

# THE LOUISIANA HISTORICAL QUARTERLY

Vol. 29, No. 2

APRIL, 1946

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Chronicles of a Southern Family, by John Smith Kendall.

Lafayette Visits New Orleans, by Francis P. Burns.

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Index to the Spanish Judicial Records of Louisiana, LXXXIII, June, 1785, by Laura L. Porteous, Marginal Notes by Walter Prichard.

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# THE LOUISIANA HISTORICAL QUARTERLY

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## CHRONICLES OF A SOUTHERN FAMILY

*By* JOHN SMITH KENDALL

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In the latter years of the eighteenth century, at the inception of that great political and social upheaval which we know as the American Revolution, a number of families which did not feel unreservedly in sympathy with the new order of things in the thirteen colonies, abandoned their homes, and settled in western Mississippi and east-central Louisiana. Among them one of the most interesting was the Smith family, which left New England in 1776 and set up housekeeping in Natchez, in what was then British territory. There they increased and multiplied, acquired land, erected mansions, some of which still stand; and there they left descendants who made for themselves an honorable place in the life of the community. Eventually, members of the family migrated to Louisiana. They located in that pleasant and fertile region still called the Florida Parishes, although few there be nowadays who remember just why they are called by that name. In the Florida Parishes, at St. Francisville and thereabouts, the Smiths continued to thrive. In time representatives of this hardy, pioneering Puritan stock found their way to Baton Rouge, to New Orleans, to many another town and city in southern and eastern Louisiana. There today one can find them—Ogdens, Nashes, Davises, Joneses, Wickliffes, Shields, Devalls, Clarks, Buhlers and a dozen other families into which the Smiths have married—as well as scores and scores of Smiths—all useful, upright, God-fearing citizens, keeping alive in their own lives the fine tradition that has come down to them from useful, upright, God-fearing ancestors.

The Smiths came originally from England. Originally, the name was not Smith. In the report of the visitation of the British

heralds to Leicestershire, in 1520, where the pedigree of this family is given, we find at the top the name of John Smith "alias Harris." From other records it appears that this individual was the son of William Hares, Herrice, or Heriz, "alias Smith," who died in 1499. That raises at once the question, why "alias Harris" in one instance, and why "alias Smith" in the other? The Smiths cherish a rather scandalous story by way of explanation of this curious discrepancy of nomenclature. It is, that a lady of the ancient Leicestershire family of Heriz had a love affair with Edward, the Black Prince, and bore him a son who, naturally, was known by his mother's name. No particular stigma attached to that sort of thing in those days, especially where royalty was concerned. Henry Heriz seems to have been a man of considerable importance. Later, after the deposition of Henry II and the seizure of the English throne by Henry IV, there were those who felt that a grave political wrong had been committed, and joined in a movement to correct it. In 1408 Sir Roger Clarendon, another illegitimate son of the Black Prince, rose in rebellion against King Henry. He was joined by his half-brother, Henry Heriz. They hoped to overthrow the usurping monarch and put the deposed King Richard back on the throne. They were defeated, captured, and hanged for treason. Henry Heriz's extensive properties were confiscated, his wife and children were reduced to comparative poverty, and his name was covered with obloquy.

When, half a century later, the family was again prosperous and prominent, the memory of their ancestor's fate was held against them. The royal family, descended from Henry IV, did not look with favor upon the grandchildren of a convicted rebel. Then it was that William abandoned the patronymic which dated back, according to an ancient tradition, to the French Count de Vendôme d'Héristal and the days of William the Conqueror. He took the name of Smith. Under that name he and his immediate descendants rose rapidly in wealth and prestige. They did not like to remember their fair ancestress' indiscretion, and did their best to obliterate all trace and all memory of their somewhat remote royal origins. In time that was all but forgotten, so that history, which records the names of two of the Black Prince's illegitimate sons, omits all reference to Henry Heriz.

For this romantic story no documentary evidence has so far been adduced. But there is the alteration in the family name to

explain, and the foregoing offers as good an explanation as one could desire. At any rate, William Heriz, "alias Smith," had a son, John Smith, "alias Harris," who was born about 1495 and died in 1546. The heraldic visitation to which we have alluded gives his wife as Dorothy, daughter of Richard Cave, of Stamford, in Northamptonshire. They had eleven children, seven of whom were sons. One of them, Roger, who was knighted, was the ancestor of Hugh Smith, of Weald, in Essex, whose daughter married one of the Stanley Earls of Derby. Other sons were Erasmus and Ambrose, who must be mentioned here, because the heralds and genealogists have been hard put to it to settle which of them married who. Erasmus, they say, married Margaret, sister of William Cecil, Lord Burleigh, who was Queen Elizabeth's great minister. By her Erasmus had a son, Henry, the celebrated pastor of St. Clement Danes, one of the most eloquent of Puritan divines, whose poems, now unhappily lost, were greatly admired by his contemporaries. But in Drummond's "Histories of Noble British Families," in the official history of the Cecil family, it is unequivocally stated that Margaret was the wife of Ambrose Smith.

A similar uncertainty prevails as to the parentage of the Rev. Henry Smith, who was the founder of the family in America. Was he the son of Ambrose Smith? Stiles' *Ancient Wethersfield* intimates with some reservations that such may have been the case. Perhaps we may have a confirmation also in the use by the Rev. Henry of a coat-of-arms which can be identified with that of the Walcot family, from which the Cecils claimed descent, and whose armorial bearings were incorporated by Lord Burleigh into his own ornate escutcheon. Stiles, who reproduces the Rev. Henry's arms in his book, figures in them three deers' heads, but these should probably be chess rooks—and the heraldic form of the rook, if drawn on a sufficiently small scale, could easily be mistaken for deers' heads. It is not likely that a man of the intellectual integrity of the Rev. Henry Smith would make use of a coat-of-arms to which he had no right. The fact that the records of the British Herald's College contain no reference to a grant of arms to him or to any member of the Smith family which resembles the one in Stiles' volume, indicates that someone is somewhere in error. The evidence, then, inclines to Ambrose and Margaret as the parents of the reverend emigrant.



Henry Smith was born near Norwich, in Norfolkshire, England, in 1588. He was educated at Cambridge University. He was admitted as a "sizer" in Magdelene College at the beginning of the Easter term in 1618. He was graduated with the degree of Bachelor of Arts in 1621/2, and with that of Master of Arts in 1625. The example of relatives and his own preferences directed him into the Established Church. On January 7, 1623, he was ordained deacon at Peterborough, and the following day was advanced to the priesthood, the then Archbishop of Canterbury officiating at the latter ceremony. It is probable that he was the Henry Smith who was presented with the living at Cornwood, Devonshire, on November 16, 1628.

It is not clear when or under what circumstances Henry Smith severed his connection with the Established Church. All we know is, that, in 1636, in consequence of the persecution of the dissenting clergy in England by Archbishop Laud, he determined to go to America. By that date he was evidently identified with the Congregationalists. Politically, he was a Puritan, although most, if not all, of his family were staunch supporters of the Royalist cause. In departing from his native land, Henry Smith took with him his wife, several children, a library, a quantity of silver plate, and other goods. Clearly, he had no intention of living in the New World in less than the comfort—we might even say, the elegance—to which he had been accustomed all his life.

The Smiths sailed from Ipswich on the ship *Diligent* and are said to have landed at Plymouth, in the Massachusetts Bay Colony, as it was then called. We first hear of him, however, at Watertown (now Charlestown), where he and his wife were in full communion in the church there on October 5, 1637. This, his first wife (whose name is not known, but is supposed to have been Cornish, daughter of Gabriel Cornish, of Weymouth), was born in England in 1590; she died in Charlestown, very soon after her arrival, a victim probably of the incredible hardships of the transatlantic voyage in those rude days. Of her children we have only the sketchiest record. Apparently, she presented her husband with a son, Peregrine, who died before his father, and three daughters, two of whom married and had children before their father's demise. The third daughter, whose name is supposed to have been Margaret, married the Rev. John Awtson, of Hadley, Massachusetts. All four of these persons were born in England.

The most interesting part of Henry Smith's life was spent in the town of Wethersfield, in Connecticut. Wethersfield is situated a short distance from Hartford, but antedates by a considerable period the founding of the latter and now far more populous and important town. The Smith family arrived in Wethersfield in July, 1637. It included the Rev. Henry's second wife, whom he had married in Charlestown. All we know of this estimable lady is that her name was Dorothy; her family name is supposed on rather uncertain grounds to have been Cotton. If so, she was probably a near relative of the famous Increase and Cotton Mather. It is believed that Dorothy came to America in 1635 on the ship *Elizabeth*, but that she was then forty-five years of age can hardly have been the case; for, if correct, she was 104 years old when she died, and that is something which yet remains to be established.

Henry Smith was the first "settled" pastor in Wethersfield, and, consequently, in Connecticut. A "settled" pastor meant that he was definitely and permanently established in his church. He had been preceded at Wethersfield by the Revs. Messrs. Pruden, Sherman and Denton, but they were temporary appointees, and soon departed to other churches. Smith's pastorate covered eleven years, and could not have been an altogether happy one. His difficulties were due to one of his elders, Master Clement Chaplin, who seems to have regarded himself as the spiritual, as well as the financial, head of the congregation, and undertook to exercise over the new minister an authority which Henry was by no means prepared to accept. Stiles, in his voluminous and painstaking history of Wethersfield, describes Chaplin as "a man of wealth, prominent in public affairs, and influential with a large majority of the congregation." His quarrel with the "settled" pastor finally became so violent that "the aid of the General Court was invoked to put an end to them. . . . True, the Court, after a long examination into the merits of the case, in 1643, estopped Mr. Chaplin by a fine of £11 from libelling Mr. Smith, but this did not stop him from further annoying the pastor with various civil suits, which again compelled the Court's investigation. Mr. Smith was finally exonerated and vindicated by the action of the Court, but Chaplin and his followers allowed him no quiet, and though after this his ministry seems to have met with no serious interruption, yet it is thought that his trials preyed upon his health and brought him, in 1648, prematurely

to the grave 'grieved and wearied with the burdens of his charge.' " Perhaps so. At any rate, in that year, "ye grate fever" broke out in Wethersfield, and among its victims was the Rev. Henry.

In spite of the gusto with which he entered into the controversy with his obstreperous elder, the Rev. Henry Smith is said to have been a man of the most amiable and charming character. In a letter written in 1698, by his son, Samuel, we have the following attractive description of Samuel's "honored father:."

He was 5 foote 10 inches talle & spare of builde tho not leane. He was as Active as ye Red Skin Men and sinewy. His delight was in sportes of strength & with his owne hands he did helpe to reare both our owne house and ye Firste Meetinge House of Wethersfield, wherein he precht yeares too fewe. He was well featured and Well-favored with Faire skin & longe curling Hair (as neare all of us have had), with a merrie eye & swete smiling Mouthe, tho he coulde frowne sternlie eno when the need was.

By his second wife the Rev. Henry became the father of five children—Dorothy, Samuel, Joanna, Noah and Elizabeth. Of these, however, we need concern ourselves here only with Samuel. It was through him that the descent continues. Samuel Married in 1663 Mary Ensign, daughter of James Ensign, who was among the early settlers at Cambridge, Massachusetts, and was one of the founders of Hartford, Connecticut. They had eight children, all of whom married advantageously, and to whom a good many well-known New England families are today very proud to trace their origins. Their son, Ebenezer, born at Northampton, Massachusetts, in 1668, fixed his residence in Suffield, Connecticut, where he became prominent in many directions. His wife, sarah, was the daughter of Thomas Huxley and Sarah Spencer, the latter a descendant of the Spencers of Southmylles and Stotfold, in Bedfordshire, one of those English country families, the history of which goes back to the Norman Conquest, and perhaps even further.

Ebenezer Smith had a son born at Suffield in 1699, to whom he gave his own name. This second Ebenezer, like his father, figured conspicuously in the affirs of the community. He married in 1725 Christiana Owen, daughter of Obadiah and Christiana (Winchell) Owen, and granddaughter of the Welchman, John Owen, one of the original "proprietors" of Windsor, Connecticut. Through



this marriage Ebenezer became connected with half-a-dozen widely-known families, such as Winchell, Wade, and Griffin, all intimately identified with the colonial history of Connecticut.

It was the second Ebenezer's eldest son, Jedediah, who was chiefly responsible for the establishment of the Smith family in the South. Jedediah was a man of tenacious principles, in defense of which he was willing to incur the severest hardships, and, as the event proved, to give his life. He was born in Suffield in January, 1726. He took the degree of Bachelor of Arts at Yale in 1750, and that of Master of Arts in 1754. He entered the Presbyterian ministry, was ordained in 1754, and was called to the pastorate of a church in Granville, Massachusetts, in 1755. His connection with that church lasted twenty-one years, and then, differences of opinion having arisen between himself and his parishioners, he handed in his resignation. It seems that he shared the views of a certain Mr. Stoddard on questions of church discipline, and these were distasteful to his people. Moreover, Smith was a Loyalist, and that, in the political turmoil of the Pre-Revolutionary epoch, also tended to estrange him from the congregation. His connection with the Granville church was accordingly brought to a close in April, 1776. Anxious to avoid the social and economic evils which he anticipated from the impending conflict with Great Britain, he resolved to follow his brother, Elnathan, to the English possessions on the Mississippi river, in what is now the State of Mississippi. What happened after that, can best be related in the frequently-quoted words of Stiles' *Ancient Wethersford*:

Mr. Smith had by this time a family of twelve children, ten sons and two daughters, the eldest of whom was married and remained in Massachusetts, but with his wife and the other eleven children, and with his brother, Elnathan's wife and daughters, he started April 1, 1776, upon his long journey Westward. . . . After numerous detentions to the vessel in which this company was to embark, arising mainly from the disturbed conditions of the times, it finally left Middletown, Conn., about the middle of May, and after several escapes from capture by British armed vessels, and a most boisterous passage of two months, it arrived at the mouth of the Mississippi. In ten or twelve days they ascended the river to the city of New Orleans, which they reached about August 1st, but were prevented by the Spanish authorities from landing, and, owing to the prevalence of smallpox, were compelled to submit to a sort of quarantine.



It was not till the middle of August that the two families comprising the party were able to procure a small bateau to go up the river to Natchez. The boat had gone but a few miles when she was nearly capsized by a sudden squall of wind, and came near sinking, but finally succeeded in making a landing at the home of an English gentleman by the name of War. As the boat was found to be too heavily laden, Mr. Smith left with this gentleman a part of his furniture, farming utensils, bedding, and library, etc. At this time the country was settled but for a short distance above New Orleans, and this only at long intervals, and at Baton Rouge, Pointe Coupée and Natchez, only, could any house or accommodations be had. The greater part of the way was a wilderness, yet where the travelers found residents they received much hospitality, except in Roman Catholic communities, where the idea of a minister, or priest, being married and having openly a family of children was abhorrent, and caused the party to be viewed as horrible heretics. The weather, also, was extremely warm, with frequent showers, and greatly increased the discomfort of the strangers; but after fifteen days of such exposure, they finally reached Fort Adams, fifteen miles below Natchez. Here Mr. Smith heard of the death of his brother, Elnathan, and under the stress of grief, anxiety and exposure to the climate, fell sick with a fever—and the unfortunate condition of such a number of persons in an open boat aggravated his disease—until, in a delirium, he jumped into the river. Fortunately, he was rescued from a watery grave, but his fever grew worse, and he lingered in that state until the seventh day after their arrival at Natchez, September 2nd, 1776, when death relieved him of his sufferings. He was buried on a high bluff, some two hundred feet above the river, in a public burying ground which has long since caved into the river.

The head of the two families being dead, the survivors had now to face sickness, misfortunes and privations of every kind, to which was added the fear of the Indians; and the loss of their household goods and property which had been left with the English gentleman near New Orleans, and which had been included with his property, and confiscated by the Spanish authorities as that of an alien, Spain and England being then at war with each other. Suffice it to say that at the present day (1829), these two families, which endured so much in establishing their homes in the Southwest, are among the most numerous, respected and wealthy families in the States of Mississippi and Louisiana.

Such was the lamentable end of the first Protestant minister to venture into the territories held by the Spanish, in the Mississippi Valley! \*

While still in charge of the church at Granville, Rev. Jedediah Smith was married to Sara Cook, believed to have been the daughter of Nathaniel and Mary (Brooks) Cook, of Windsor, Connecticut. The Cook family came originally from Bridport, Dorsetshire, in England, and was established in Winsor as early as 1630. They held many positions of trust and honor in Connecticut, and married into some of the oldest and most distinguished families in that part of the country. Sarah was born in 1731, and survived her preacher-husband, dying at Natchez towards the close of the eighteenth century. She and Jedediah were married in 1750, probably in Windsor. They had twelve children, the eldest of whom, likewise named Jedediah, remained in Massachusetts, was a man of considerable note, a patriot, married, and left many descendants.

The other children of Jedediah and Sarah (Cook) Smith, who accompanied their parents to the South, were:

Ebenezer, who died young.

William, who married Mrs. Nettles at Natchez; no children.

Sarah, born in 1756, married at Natchez Joshua Alexander.

Josephus, born at Wilbraham, Massachusetts, 1758; married at Natchez Patience Cobb, and left descendants.

Richard Philetus, born 1760, married at Natchez a lady named Thompson.

Philander, born 1765, married at Natchez Esther Brashier and, after 1801, as his second wife, Mrs. Susannah Scott, née Miller. Philander was a man of much prominence. His services as a member of the Committee of Public Safety for the Natchez District in 1793 is described in Monette's *History of the Mississippi Valley*. Philander was foreman of the grand jury before which were laid the charge of treason on which Aaron Burr was tried.

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\*Stiles gives Jefferson Davis, the Confederate president, as authority for the statement that Jedediah Smith, though with no knowledge of Spanish, was able to communicate with the Spanish authorities on the journey from the mouth of the Mississippi to Natchez, because he was able to converse in Latin. This, according to Mr. Davis, evidences the Rev. Smith's profound knowledge of the Latin language. There can be no doubt of his scholarship in the field of languages, as well as in others.

Jedediah Smith, the celebrated Western explorer, is said to have descended from the Rev. Henry Smith, and to have been a cousin more or less distant of the Rev. Jedediah Smith.

Israel, born 1763, married at Natchez Sallie Cobb and, after his first wife's death, Jane Lorenza Doane.

Philomela, of whom further.

Calvin, born 1768, married Priscilla Cobb at Natchez in 1791; died November 7, 1840.

Luther, born 1770, married twice—first Patsy Baker, and second, Ann Eliza Davis, sister of Jefferson Davis, the Confederate president. Luther was an ancestor of the Lobdell, Percy and other Mississippi families.

Courtland, born 1772; married twice—first, Narcisse Boone, and second, Jane Boone; left a daughter, Aurelia, who married Jefferson Davis' brother, Dr. Ben Davis.

Jedediah Smith's eleventh child, Luther (above), had by his second wife, Jane Lorenza Doane, ten children, among them a daughter, Hester Smith, born in 1803, who married in 1827 John Christian Buhler, her cousin, son of John Christian Buhler and his wife, Edith Smith (see further, under heading "Elnathan Smith").

#### *Children of Ebenezer Smith*

In addition to the Rev. Jedediah Smith, Ebenezer and Christian (Owen) Smith had nine sons and daughters, as follows:

Asa, born April 30, 1729; a physician by profession; married and left issue.

Christiana, died in infancy.

Ebenezer, born March 1, 1733/4; lived in Granville, where he held various political offices; took part in the Revolution, and appears to have been at the Battle of Lexington. In 1767 he married Abigail Ross, and had a large family.

Eliakim, born January 25, 1735.

Elnathan, of whom further.

Zebulon, born December 16, 173—.

Elijah, born September 6, 1741; resided in Granville; married and left a family. He was a soldier in the patriot army during the Revolution, and took part in the Battle of Lexington.

Dorcas, born July 3, 1743.



*Elnathan Smith*

Elnathan Smith, son of Ebenezer and Christiana (Owen) Smith, was born at Suffield, Connecticut, July 9, 1737. He removed to Granville while his brother, Jedediah, was pastor of the church there. There, too, he married Hannah Bates, daughter of John and Edith (Ward) Bates, and sister of that Jacob Bates who served as a corporal in Captain Lebbeus Ball's company at the Battle of Lexington, and who became a commissioned officer under Washington and crossed the Delaware with him prior to the Battle of Princeton. Hannah Bates was born at Durham, Connecticut, July 28, 1742, but was taken by her parents to Granville when she was a small child. In 1773, times being hard in Granville, Elnathan left that place in hopes of bettering his fortunes. His family, however, remained in charge of his brother, Jedediah. Elnathan joined an expedition which, in the year mentioned, went to the Mississippi Territory under the leadership of General Phineas Lyman. Lyman had acquired from the British Government a title to a large tract of land on the Big Black River and along Bayou Pierre, in what is now Claiborne County, in the State of Mississippi. He recruited some fifty adventurous spirits who wished to colonize this grant, and among them was Elnathan Smith. The venture was successful as far as Elnathan was concerned, and having located a desirable bit of ground for himself, he wrote home, urging Jedediah to follow him to the South. The prospect seems to have fascinated Jedediah, and been one of the motives which influenced his decision to withdraw from the charge at Granville. We have already related that, on arriving in the vicinity of Natchez, Jedediah learned that Elnathan had died. It is said that Elnathan was laid to rest at Lake Providence.

The children of Elnathan and Hannah (Bates) Smith were: Eliphalet, born in Granville, April 27, 1765. Of him there is no further record.

Edith, born in Granville March 3, 1767; see further.

Eunice, born in Granville, June 11, 1769; married William Lilley, of Natchez, or perhaps of Baton Rouge.

Edith Smith, whose birth-date is given above, was the eldest daughter of Elnathan and Hannah Smith. In the records at Granville her name appears as Eada, a diminutive or variant



of Edith. With her mother and younger sister, she accompanied her uncle, Jedediah, on that last uncomfortable journey to Natchez in 1776. Natchez was then a tiny settlement in the midst of the wilderness, and small was the sympathy felt there for the revolutionary agitation in full swing in New England. There, on the frontier, the Indian was a close and highly problematical neighbor. For protection against possible attack the settlers depended mainly upon the British soldiery. They were, therefore, not at first attracted to the idea of separation from the mother country. Moreover, when American troops "from Philadelphia" drifted down into this remote section of the country, they behaved none too well. Taking advantage of the isolation of the little community, these rough men robbed and intimidated the inhabitants, and did much to create ill-feeling between North and South, at least in that area, even before the new Republic came into being. The Natchez district changed its attitude toward the Revolution, but it required time and thought and the pressure of events to bring about that development.

In the district of which Natchez was the center, schooling in those pioneer days was conspicuously absent. The Smith children acquired what education they possessed chiefly at their mother's knee. Nevertheless, they grew to maturity endowed with many accomplishments, and, marrying, left sturdy and distinguished posterity. Edith Smith married twice. Her first husband was, as we have said, John Christian Buhler, of the Parish of Baton Rouge. Their wedding took place some time prior to the year 1789. Later on, Buhler received from the Spanish Government a grant of land on the "waters of St. Catherine's" near Natchez, in the Mississippi country. But they made their home at "Buhler's Plains," in Louisiana, in East Feliciana.

By this marriage Edith had two children:

1. John Christian Buhler, born at Buhler's Plains, in East Baton Rouge Parish, Louisiana, April 6, 1789. On April 26, 1827 he married his cousin, Hester Smith (born August 3, 1803), daughter of Isreal and Jane (Doane) Smith.
2. Margaret Buhler, presumably also born at Buhler's Plains; educated at the Ursuline convent in New Orleans. A letter to her mother written while at that institution is still preserved in the family of her brother, John. Margaret married a man named Alexander, of Buhler's Plains.

After the death of her first husband Edith Smith married, some time previous to the year 1800, Richard Devall, of Baton Rouge (born 1754; died 1823). Devall came to America from Liverpool in 1775 with a party of young men in which was included Isaac Johnson, ancestor of Colonel S. M. Robertson, of Baton Rouge. This party was sent out by an English company to buy land and establish settlements in Louisiana. The members were all well-educated and men of standing, as we know from the record left behind by Isaac Johnson himself. Richard Devall eventually came to own a large part of Baton Rouge; the central part of that city was once called "Devall Town." He was a widower when he married Edith Smith Buhler, and had two sons by his first wife, one of whom has left numerous descendants in East Baton Rouge Parish.

By this second marriage Edith Smith Buhler Devall had:

1. James Devall, born March 16, 1800; married Emilie Louise Bernard Dumontier (born March 1, 1801; died November 1, 1883). He died at Ashland Plantation August 23, 1853.
  2. Eunice, twin with James; married Mr. Reed.
  3. Richard.
  4. Elizabeth, married James Lea.
  5. Thomas, married Miss Schwindler.
  6. David, who became a physician, and married Jane Tabor.
  7. Charles, married Elizabeth Tabor.
  8. Augustus, married Hermine Dumontier.
- Edith Smith Buhler died February 26, 1826.

#### *The Israel Smith Descendants*

Israel, seventh child of the Rev. Jedediah Smith, was married twice, as stated above. He was the father of nine children, of whom Elizabeth, Israel Jr., and Joshua did not marry. The remaining children were:

1. Ann, of whom further.
2. Jane Amanda, who married James Alcorn Gillespie, and was the ancestress of the Gillespie, Winston and Hayden families, well-known in Mississippi.
3. Hester, whose marriage to John Christian Buhler has already been noticed.

4. Mary Isabella, of whom further.
5. Horatio, who married Ellen Dunlap.
6. Susan, who married William Postlethwaite, and had two daughters, both apparently named Susan.

Ann Smith, Israel's second child, married John Scott and had six children, as follows:

1. Julia Scott, of whom further.
2. Eliza Scott, who married James Penniman Jones, and was the ancestress of the well-known Jones family of Baton Rouge and New Orleans.
3. Susan Scott, who married William Hall, and had four children, one of whom, Ann, married William Cannon, and another, who married a Dr. Wickliffe.
4. Walter Scott, who married Mary Whitely.
5. John Scott, a physician, who married Laura Puckett.
6. Israel Scott, who married, but the name of whose wife has not been preserved.

Mary Isabella Smith, seventh child and third daughter of Israel Smith, married Judge Abner Nash Ogden, of the Louisiana Supreme Court. After her death Judge Ogden contracted another no less felicitous union with her niece, Julia Scott. By his first marriage this distinguished jurist was the father of two children; by his second, of six. Judge Ogden was descended from John of that name, who landed in Long Island from England in 1640, and was one of the founders of Elizabethtown (now Elizabeth), New Jersey.

From Judge Abner Nash Ogden and his second wife, Julia, are descended the Ogden family of New Orleans, represented there today by the Rev. Dunbar H. Ogden, D. D., of the Napoleon Avenue Presbyterian Church; and the Shields family, also of New Orleans, from which derives Mrs. Wilmer Shields Rich, of that city. Concerning this branch of the Smiths, Dr. Ogden, in a letter to the compiler of this article, writes: "My father and the grandfather of Wilmer Shields (Mrs. Rich) were children of the second marriage. Her grandfather was Horatio Nash Ogden, at one time attorney-general of Louisiana. My father was William F. Ogden, a lawyer."



*Philomela Smith*

Philomela, ninth child and second daughter of the Rev. Jedediah Smith and his wife, Sarah Cook, was born in Granville, Massachusetts, June 4, 1766. As a child she accompanied her parents to the Mississippi Territory. There she met and married David Mitchell, who settled in that region about the year 1778, but is believed to have come originally from Pennsylvania. He owned extensive properties along Second Creek, in Adams County, Mississippi, between the present-day towns of Woodville and Natchez. He and Philomela made their home at Palatine Plantation, in that county.

Philomela became totally blind. It is said that she lost her sight as a result of applying a poultice of red pepper to her eyes, on the recommendation of a neighbor, who said that this would prove a remedy for a local irritation from which Philomela happened to be suffering. This affliction did not prevent her from supervising the work on the plantation after her husband's death in 1803. She could ride almost as well as a person possessed of all his faculties. It is said that her numerous slaves were as careful not to allow the grass to grow in the cotton which they planted under her supervision, as they would have been under the most sharp-eyed overseer. Her habit was to visit the fields, dismount, and run her hand along the ground. If she detected the intruding vegetation, the individual at fault promptly heard from her. In the same way she determined when the cotton was ready to be picked. She was, on the whole, a woman of remarkable character.

Philomela was greatly admired by Greenwood Leflore, the celebrated Indian chieftain, whose home was not far distant from Palatine Plantation. On meeting her he was accustomed to drop on one knee and kiss her hand, as in salutation to a lady of rank even higher than his own. He was accustomed to send her presents of game shot by himself. His beautiful daughter, the Princess Flora, was the bridesmaid when Philomela's daughter, Martha, was married to John Lawson Irwin. She attended the ceremony attired in full Indian regalia, attended by a retinue of Indian maidens similarly dressed. When Philomela lay dying in 1821, Leflore came to Palatine Plantation and remained outside of her door, motionless, waiting for the end; and when it was announced he left in solemn silence, never to return. Or so, at

least, runs the tradition repeated to this day among her descendants.

Philomela (Smith) Mitchell left five children, as follows:

1. David Dickerson (called Dix) Mitchell, who married twice, first a lady named Burney, and secondly Sophia Flowers.
2. Martha (called Patsy) Mitchell, who married John Lawson Irwin (see further).
3. William Mitchell, who married his cousin, Mary, daughter of Philetus Smith.
4. Sarah Mitchell, who was unmarried in 1821.
5. Mary Mitchell, married the Rev. Hiland Hulberd.

David Dickerson Mitchell had two children, James and Eliza. The former married and had two children, Clara and Emma. Eliza married Philip Nichols and had four children, Dix (who married and left descendants), Mansfield, James and Marshall.

Martha Mitchell was born March 13, 1793, and was married in May, 1819, to John Lawson Irwin, for some years Speaker of the Mississippi Legislature, and remembered in connection with an acrimonious controversy with the once-famous lawyer, Seargent S. Prentiss. Martha died May 19, 1831, and was buried in the Beech Hill (also called the Brick) church cemetery, two miles northeast of Red Lake, in Jefferson County, Mississippi.

The children of Martha and John Lawson Irwin were:

1. David Irwin, died September 19, 1853.
2. John Lawson Irwin, junior, died October 22, 1867.
3. Jane Smith Irwin, married Edward Gibbs and was the ancestress of the Gibbs, Paxton, Parker, Klein Flowers, McCutcheon, and other widely known Mississippi families.
4. Mary Philomela Irwin, married William Gray Kendall; see further.
5. Elizabeth Irwin died 1906. She married Judge Henry Felix Cook, of Vicksburg, and left many descendants prominent in that city.
6. Alexander Irwin, died December 1833.

Mary Philomela Irwin, wife of William Gray Kendall, was born on the Puck-shonubbee Plantation, her father's home in Carroll County, Mississippi, February 5, 1817, and died at Ocean

Springs, Mississippi, January 17, 1878. Her marriage to Mr. Kendall was celebrated in 1835. She and her husband established their home in New Orleans in 1841, where he was engaged in the practice of the law. After her husband's death in 1872 Mrs. Kendall withdrew to her summer home at Ocean Springs, where, as stated, she passed away after a long and painful illness. Her children were:

1. Benjamin Edwards Kendall, died in childhood.
2. John Irwin Kendall, of whom further. Though often absent for long periods of time, he regarded New Orleans as his home. He was the ancestor of the Kendall and Baringer families of New Orleans.
3. Anola Philomela Kendall, died unmarried in 1899.
4. Kate Emma Kendall, died unmarried in 1897.
5. Catherine Ann Kendall, died in childhood.
6. William Gray Kendall, died in 1885, unmarried.
7. Mamie Lusk Kendall, died unmarried in 1902.
8. Robert David Kendall, died unmarried in 1877.
9. Sigur Lusk Kendall, died unmarried in 1877.

John Irwin Kendall was born at Grenada, Mississippi, January 10, 1841; died in Mazatlan, Sinaloa, Mexico, October 13, 1898. On April 20, 1872, in New Orleans, he married Mary Elizabeth Smith, daughter of John Christopher Smith. Smith was master of the steamship *Marqués de la Habana*, which, taken over by the Confederate Government in 1861, and converted into the man-of-war *McRae*, was sunk in action in 1862, in the attack on New Orleans. John Irwin Kendall served during the Civil War in the Fourth Louisiana Regiment. He was one of the original members of the "Delta Rifles," a militia organization which supplied a large number of officers to the Confederate forces, including General and, later, Governor Henry W. Allen. Lieutenant Kendall took part in the battles of Shiloh, Baton Rouge, Lookout Mountain, Missionary Ridge, New Hope Church, Lost Mountain, Kenesaw Mountain, Peachtree Creek, Franklin and Nashville, and the sieges of Port Hudson and Atlanta.

*Calvin Smith*

This confessedly incomplete account of a family which has planted its roots deep in Mississippi and Louisiana, can be



brought to a close in no way more appropriately than by a brief account of Calvin Smith, who, of the children of the Rev. Jedediah Smith, seems to have been the one who was most prosperous. The lands acquired by Jedediah in the vicinity of Natchez, together with those obtained about 1780 under grants from the British government by Israel and Philetus Smith, and by Calvin himself, were constituted into several large-sized plantations. Among them were two, called, respectively, Mount Independence and Retirement. Calvin resided at the latter place with his wife, Priscilla Cobb, to whom we have referred elsewhere. Priscilla hailed from Wilkinson County. It is said her parents objected to her marriage to the then relatively impoverished young man who presumed to solicit her favor. Whereupon Priscilla and Calvin took matters into their own hands. With the maiden on a pillion behind him, Calvin rode to the nearest competent authority, and was married forthwith. After that, the bride's parents, not being able to do anything else, forgave and forgot. On their way to the wedding, Priscilla dropped the bundle which contained the few articles that constituted her trousseau. This was found by an Indian and promptly returned to its owner. The incident illustrates the friendly relations which the Smith family had already established with the natives—a relationship which was never disturbed, and was particularly cordial in the case of Calvin.

Calvin had two sons and seven daughters. Two of the daughters married brothers named Gillespie, two married brothers named Ferriday, and two married brothers named Bennett. The two Bennett brothers came to Natchez about 1830. They were named, respectively, Ruthven and Henry Lyle. They were the sons of Caleb Bennett, who was Delaware's first governor after the Revolution, and who, previously, had been a member of George Washington's staff. The Bennetts married Calvin's daughters, Louisa and Matilda. Louisa inherited Retirement Plantation. Her descendants are numerous today in Mississippi, Louisiana and Cuba. In 1891 the ownership of Retirement had passed to Miss Louise Ogden, Mrs. Henry Ogden and her children, and Mr. and Mrs. James Ogden.

From the Gillespie marriages were descended the Woods and Gordons of Port Gibson, Mississippi; the Murphys, Jenkins, Lanneaus, Ferridays, Burns, etc., most of whom are represented today in Natchez and its vicinity.

Retirement Plantation was—and still is—located about nine miles from Natchez. Near there was originally an Indian village. The trail to this place passed directly in front of the gate of the plantation. Calvin's good relations with his Indian neighbors helped greatly to attract other settlers to the vicinity. The mansion was rebuilt in 1845. The present building is a typical Southern plantation house, large, rambling, with a pillared portico in front which is 75 feet wide. It stands in the midst of a grove of oaks and magnolias. The building faces north and south, and has cross halls that open towards the four points of the compass. Opening into these halls are lofty rooms which, by means of folding doors, can be thrown into one immense apartment, as required in the old days, when a lavish hospitality made such ample accommodations desirable—even necessary. The dining room was on the west side of the building; here was kept the communion service of the Carmel Church. It contained a Sheraton sideboard, a replica of the one at Mount Vernon. From the center of the ceiling hung a huge punkah, adorned by an itinerant Irish genius with carvings representing a lion surmounted by an eagle, and a star above the eagle, to symbolize the triumph of the Americans over the British in the Revolutionary War, and of the Confederacy over the Federal union—the latter, of course, a pious wish that remained unverified by the event.

## LAFAYETTE VISITS NEW ORLEANS

By FRANCIS P. BURNS

### I

On February 4, 1824, the Congress of the United States, mindful of the deep sense of obligation which the people of the new Republic owed to one who had so generously helped them in their hour of need, and who was among the last of the survivors of the Revolution, unanimously adopted this Resolution.

The Marquis de LaFayette having expressed his intention to revisit this country—

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,*

That the President be requested to communicate to him the assurances of grateful and affectionate attachment still cherished for him by the Government and People of the United States;

*And be it further resolved,* That whenever the President shall be informed of the time when the Marquis may be ready to embark, that a National Ship, with suitable accommodation, be employed to bring him to the United States.<sup>1</sup>

In pursuance to the foregoing Resolution, President James Monroe on February 7, 1824, wrote a most cordial invitation to General Lafayette to again visit this country. Lafayette could not reject an invitation so honorable and so pressing; and his departure was fixed for the month of July. He refused however, the offer of Congress to bring him to the United States in a public vessel, and on July 12th departed from Havre in the ship *Cadmus*, an American merchant ship.

Not being content with inviting the Prisoner of Olmutz, as he had come to be known, to once more revisit the United States, then twenty-four in number, and evidently realizing that the fortunes of war and politics in Europe, and particularly in his native land, had made the distinguished patriot's financial condition precarious, Congress, wishing to give further tangible evidence of its esteem, on December 28, 1824, adopted the following special law:

<sup>1</sup> *Acts of Congress*, 18th Congress, 1st Session, p. 138 (Resolution approved February 4, 1824).



Section 1: That, in consideration of the services and sacrifices of General Lafayette, in the war of the Revolution, the Secretary of the Treasury be, and he is hereby authorized to pay to him the sum of Two Hundred Thousand Dollars, out of any money in the Treasury not otherwise appropriated.

Section 2: That there be granted to the said General Lafayette and his heirs, one township of land, to be laid out and located under authority of the President, in any of the unappropriated lands of the United States.<sup>2</sup>

The foregoing grant of land and money was supplementary of earlier grants, hereinafter mentioned, and which apparently, were not so renumerative.

One of General Lafayette's most intimate friends and agents, both in Europe and in America, and particularly in New Orleans, was Vincent Nolte, who, in his widely famed memoirs, gives an illuminating sketch of General Lafayette's visit to New Orleans in 1825. His name strangely fails to find mention in the several current newspaper accounts of Lafayette's visit to New Orleans. Only once does Vincent Nolte's name appear in these newspaper stories of the famous visit, and then in an account of Lafayette's departure from the City on April 15, 1825,<sup>3</sup> as being one of the citizens who would accompany the distinguished visitor on his voyage up the Mississippi River to St. Louis.

From Nolte's account of Lafayette's visit, it appears that he was a privileged friend and intimate of the Revolutionary hero, and most likely his identity was obscured by the flashing refulgence of all the local military "brass hats" and civic dignitaries, who had priority in the local publicity. Here is Nolte's rather detailed account of Lafayette's reasons for his second and last visit to the United States, after the close of the Revolution, for it appears that Lafayette had previously made a short visit in 1784.

In the course of the summer of 1824, I received several visits from General Lafayette, whom I had slightly known some years before. His possession of certain lands in the State of Louisiana, in the district known as *Pointe Coupée*, had given rise to this acquaintance. At his liberation from his long imprisonment at Olmutz, the general's circumstances were so narrow, that old Sir Francis Baring (father, as already said, of Alexander Baring) had, of his own free

<sup>2</sup> *Ibid.*, 18th Congress, 2nd Session, Ch. 2, p. 3 (Act approved December 28, 1824).

<sup>3</sup> *New Orleans Courier*, April 20, 1825.

will and out of personal esteem for the nobleman, sent him the important sum of £5,000. The repayment of this was hindered for several years, and finally (after the death of Sir Francis) it was agreed that the Barings should take, as equivalent for this not unimportant sum, some of the Louisiana lands, at the disproportionately high, purely imaginary price of eleven dollars per acre. The supervision of this purchase and the payment of the yearly land tax upon it, were committed to me by Messrs. Baring, at the time of the establishment of my house in New Orleans. Soon after this arrangement—which was made purely for the convenience of one party—General Lafayette found opportunity to sell at the same enormous price, as *speculation price*, another large tract of these lands, to the English baronet Sir Jos. Coghill, and to realize the money. The affair was closed in the most perfect good faith by the general, who really believed that he was only getting the worth of his lands; and that it was no bad trade, but a genuinely good speculation, to buy them at the same price that so eminent and far seeing a firm as the Barings had been willing to pay. On closer examination, instituted by Sir Joshua, it was shown under how great an error he had lain. He complained to the Barings, in London, although they had nothing to do with them. He complained to the general, in Paris, and the latter considered it important to get more correct information about these lands from me. Naturally enough, I could give him as little information as comfort for the honest patience with which he bore this unfortunate state of things. The general was in every sense of the word an honorable man. But a second difficulty lay heavy upon his heart, during the frequent visits that he made to me. So many invitations had come to him from the United States, once more to visit that land, which had to thank his youthful arms for part of its freedom. Congress had instructed the President to notify him officially, their readiness to receive, as well as their power would admit, and to keep a frigate in readiness for him; he had received from all sides proofs of esteem and affection in such numbers, that he had finally determined, in spite of his advanced age, to undertake the voyage. One difficulty, however, must first be removed. He had no money. "I have here in Paris," said the general to me, "debts to the amount of 100,000 francs, which must be paid before I dare to go to another quarter of the world. I could procure the money here if I would give a mortgage upon my estate, Lagrange, but it is the heritage of my children—it belonged to my wife, and now is theirs; and although they are willing to resign, to help me in my embarrassments, I cannot accept it—I will not disturb it." The general then asked me to sound Mr. Baring, as to whether he would

follow the example of his father, and advance an hundred thousand francs. I promised to do so, but at the same time told Lafayette that I doubted the result. The old advance was stuck into useless lands, and I feared that a second experiment would not be to the taste of the sons. Such was literally the case. "No, no," said Alexander Baring; "we are not quite clear of an old scrape, and cannot plump into a fresh one." The general appeared so sad when I told him of this, and he interested me so much, as he did every one who knew him well, that I bade him to be of good courage; and promised to visit and inquire among such Americans as were living in independent circumstances in Paris, at the time, and see what could be done with them. And first I went to our Ambassador, James Brown, . . . with whom I had become acquainted in Louisiana, and whose esteem and good will I dared flatter myself to possess. Cool and serious as this gentleman was in all his dealings, yet he took hold of this affair right heartily, and with a fire which much encouraged me. He promised to go to work, and pledged himself to furnish one quarter of the sum, and to induce others to follow his example. In fact, two persons at once joined him, naturalized Americans, who had returned from the United States with abundant means, and now lived in Paris—a Hollander by the name of Jacob Gerhard Kock, from Amsterdam and a Savoyard (lately deceased), M. Jean Francois Girod. In what manner the required sum was finally made up I have never learned, but the general himself informed me in a friendly note that the goal of his desire was attained. . . .

Two weeks later the general, accompanied by his son, George Washington Lafayette, and his secretary, M. Levasseur, went to Havre, where he embarked on the 13th of July, in the regular packet *Cadmus*, for New York. Here he happily arrived after a short voyage, on the 16th of August. . . .<sup>4</sup>

While that part of the Louisiana territory, forming the State of Louisiana, had only indirectly participated in the American Revolution, the citizens of the new State, and especially those of New Orleans, because of their common French ancestry with the distinguished visitor, took an immediate and lively interest in the forthcoming visit of Lafayette, and, on August 20, 1824, after listening to a long and eloquent speech by Mr. A. Davezac, the City Council adopted a resolution to invite to "this City, the early friend of Washington, and the unchangeable defender of

<sup>4</sup> Vincent Nolte, *Fifty Years in Both Hemispheres; or, Reminiscences of the life of a Former Merchant*, 306-308, 309.



liberty in the two worlds." A committee of members of the Council composed of Messrs. Girod, Cox and Davezac was named to assist the mayor in formulating the necessary arrangements for the visit. On August 21, 1824, a very cordial and enthusiastic invitation was sent to General Lafayette, signed by J. Roffignac, Mayor, and Denis Prieur, Recorder.

The legislature of the State then meeting in New Orleans, on December 16, 1824, adopted a similar resolution inviting General Lafayette to visit the State, and authorized Governor Henry Johnson to appoint a committee of three to unite with the commissioners appointed by the City, "in order to celebrate, in the most magnificent manner, the arrival of General Lafayette". Then followed the formal invitation of Governor Johnson, under date of December 20, 1824. To implement the work of the committee, the legislature on December 16, 1824, made an appropriation of \$15,000.

When the news of General Lafayette's arrival in New York on August 16, 1824, reached Louisiana the excitement in New Orleans became intense, and to give vent to their feelings a salute of 100 guns was fired in rejoicing for the National event.

The accounts of Lafayette's reception in the North, which, naturally, brought rejoicing in New Orleans, also brought with them a certain feeling of inquietude, for no answer to their invitations had come to the people of Louisiana and New Orleans, and it began to be rumored that he would not visit the Southern States<sup>5</sup>, but all doubts and uncertainty were soon cast aside for, under date of December 20, 1824, through the courtesy of Edward Livingston, a member of Congress from Louisiana, General Lafayette sent a most cordial note of acceptance to the Council of New Orleans, which soon was followed by another letter of acceptance to Governor Henry Johnson, in which latter communication Lafayette gave early April, 1825, as the probable time of his visit to New Orleans. This latest note of acceptance came through the hands of Louisiana's delegation in Congress, composed of Messrs. D. Bouligny, J. S. Johnston, Edward Livingston, H. H. Gurley and W. L. Brent. From this time on a committee of arrangements was organized, composed of Governor Johnson and Messrs. Villeré, Morgan and Duplantier, on the part of the State, and Mayor Roffignac, Recorder Prieur, and Aldermen Christy, Cox and Davezac, for the City of New Orleans.

<sup>5</sup> A citizen of New Orleans, *Visit of General Lafayette to Louisiana*, 26.

With great elation over the prospect of entertaining the distinguished visitor, preparations went on apace to welcome him. Several plans were proposed, and the discussions to which they gave rise were prolonged without coming to any determination.

They hesitated a long time on the advantages of the different houses that were offered; but at last they concluded upon a plan that met with general approbation; and it was resolved, (upon suggestion of Mayor Roffignac), to lodge the guest of the City in the City Hall itself. It was thought with reason, that it would be adding more dignity to the manner of receiving him; and drawing closer the ties of hospitality which was to unite the citizens of New Orleans with their illustrious guest. These considerations, offered by Mr. Roffignac, the Mayor, had the preference of all others; and the work necessary to repairing for its new appointment the immense building occupied until then by the different offices of the Corporation, was commenced. A rich drawing room took the place of the Council Room, the magazine of arms was converted into a dining room, and the offices of the Mayor, the Secretary, and the Treasurer, were changed into commodious chambers. The ceilings of all the rooms were embellished with cornices and rosaces; modern marble mantles replaced the clumsy ones of wood; the walls were decorated with rich and tasty hangings; and as to the furniture, everything was procured that a city, where luxury a few years since was unknown could offer. Elegant papering and draperies, brilliant lustres, rich, heavy glasses, beautiful carpets, in short, nothing was spared properly to furnish what the people were already pleased to call "General Lafayette's House."<sup>6</sup>

When it came to decorations outside of the Principal, as the City Hall was called in those early days, the same unknown author goes on to say:

Many projects were considered for decorating the Place d'Armes, but it was not until the 23rd of March that it was determined to erect a TRIUMPHAL ARCH. The necessary time was then scarcely allowed to the skilful artists, charged with executing the work. But the activities of Messrs. Fogliardi and Pilie, surmounted every difficulty, and as if by enchantment, a building was seen to arise, to finish which, before the arrival of the General, appeared impossible.

The height of this monument was 68 feet, the arch 40 feet, the whole front 58 feet, the opening of the arcade 20

<sup>6</sup> *Ibid.*, 29.



TRIUMPHAL ARCH  
To honor Lafayette, erected in  
Jackson Square



feet and 20 feet deep; reposing on a basement imitating seravera marble, the base forming a pedestal of green Italian marble, decorated with colossal statues, of Justice and Liberty; this allegorical base supported an arcade of the Doric order accompanied by four columns on each facade; the vault of the arch was composed of twenty-four stones, (for each State of the Union), each decorated with a gilded bronze star, joined by a salient key, on which was inscribed the word CONSTITUTION, representing the twenty-four States, united by one and the same connecting key. To the pediment made of yellow Verona marble, showed two colossal figures representing Fame, holding to their mouths the trumpet with one hand, and with the other a branch of laurel, with streamers on which were written the names of Washington and Lafayette. The National Eagle in relief surmounted the whole; the projecting cornice decorated the triglyphs supported between each of the names of the Generals who became illustrious with Lafayette during the Revolutionary War. The surbase supported an elevation of seven feet upon which were written upon one side in English, and on the other in French, this inscription:

"A grateful Republic has erected  
this Monument to Lafayette."

On the two opposite points, or at the summit of the Monument, rose a group representing Wisdom, her hand reposing on the bust of the immortal Franklin; the four corners were decorated by rich National Trophies ornamented with arms and ensigns; and all those ornaments, as well as the basso relievo, the cornices, and the pillars were in imitation bradillo di carrara marble; the interior of the vault of the Triumphal Arch was formed of caissons, ornamented with brank-sarsence; between the impost and basement, large tables of Bradillo marble were placed, on which were engraved the names of the members of Congress who signed the Declaration of Independence. This beautiful monument, designed by Mr. Pilie, and painted by Mr. Fogliardi, offered a noble spectacle, and the reliefs had great effect.<sup>7</sup>

Lafayette's tour of America in 1824-1825 aptly has been termed a "Pilgrimage of Liberty." It was a visit of staggering proportions, incidents, length of distance and time. At the time of his visit he was in his sixty-eighth year, and for a man of Lafayette's years to have undertaken it, even if it had been made with our present-day methods of transportation, was an experience to test the stamina of the youngest and hardest traveller.

<sup>7</sup> *Ibid.*, 29-30.

And being undertaken in those early days, with the then existing primitive modes of transportation, one cannot but wonder how he held up under the strain.

The journey began with Lafayette's arrival in New York on August 16, 1824, when he toured New England and the Middle States, until October 11, 1824. From the latter date to February 22, 1825, he remained in and around Washington and the State of Virginia. Commencing on February 23 and continuing to June 14, 1825, he made a circuit of the Southern and Western States, and from June 15 to September 8, 1825, he visited again in the East, culminating in his participation on June 17th in the 50th anniversary ceremonies at Bunker Hill made famous by the celebrated oration of Daniel Webster. All in all, he travelled through and stopped off for visits in seventeen States, ranging as far South as New Orleans, West as far as St. Louis, as far North as Buffalo, and then East to Boston, in Massachusetts. Neither rain, cold nor hot weather stayed his long and arduous tour of visiting the Nation—literally.

In a recent book the day-by-day details of Lafayette's remarkable tour have amply, ably, and authoritatively been described from the actual newspaper reports of that section of his tour through the Southern and Western States.<sup>8</sup>

In the preface of his notable work, the author, Dr. Brandon, has graphically described some of the conditions under which his tour was undertaken:

.... Such cordial and pressing invitations (from the various States) could not be declined, and, although the journey was long and arduous, Lafayette determined to undertake it. A decade earlier it would have been well nigh impossible for a man of his age, at least in the time allotted, for he had promised to assist in the celebration of the fiftieth anniversary of the Battle of Bunker Hill and lay the corner-stone of the projected monument on June 17, 1825. It was a journey of five thousand miles, much of it overland in regions where roads were only trails through forests and over savannahs, but, thanks to the introduction on the southern and western rivers of steam navigation, a great part of the distance could be covered by boat in comparative comfort and with greater celerity.

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<sup>8</sup> Edgar Ewing Brandon, ed., *A Pilgrimage of Liberty*.

No man in public life had up to that time made such a long and comprehensive tour of the United States, and the organization of the itinerary was a formidable undertaking. This task was assumed by the General's son, George Washington Lafayette, who was assisted in planning the trip by General Bernard, Postmaster-General McLean, and the representatives in Congress of the various States he was invited to visit.

The party consisted of Lafayette, his son, his secretary, Levasseur, and his valet, Bastien. Friends were interested and helpful. To ease the hardships of poor roads, Mrs. Elisa Custis loaned (or gave) her best carriage. Lafayette bought some saddle horses, for use where the roads might make riding in a carriage too rough for comfort. Baggage was limited to the irreducible minimum, and every detail of the trip studied with the greatest care; such as the time required for travel from point to point, the time allotted to each city and town for local reception and entertainment.<sup>9</sup>

When one considers that General Lafayette was sixty-eight years of age, and suffered from the effects of a broken leg, his ability to withstand the hardships of the trip which was undertaken at different stages of the journey by horseback, stage coach, and steamboats, together with his willingness and even eagerness to undertake the strenuous pilgrimage, betokened not only a gracious kindness and affection for the people of America, but the possession of a physical fortitude to complete it that was truly amazing.

While Lafayette had been wounded at the Battle of Brandywine, the limp in his gait which excited so much patriotic admiration had a very much more prosaic origin. On February 23, 1803, while visiting the Ministry of Marine in Paris, he had slipped on the ice and had broken his thigh bone, and the fracture having been badly set a permanent limp ensued.<sup>10</sup>

Everywhere the General visited the formalities attending his reception were largely of the same pattern: Reception speeches (often long and windy) to listen and reply to; visits from endless delegations of civic bodies and societies; receiving and visiting numerous private citizens of note and importance; military processions to review; balls and banquets and gala theatrical performances to sit through; and all this done with a gracious and

<sup>9</sup> *Ibid.*, 14-15.

<sup>10</sup> *Ibid.*, 439; George Washington Lafayette, ed., *Memoires, Correspondence et Manuscrits du General Lafayette*, V, 203-204.



kindly demeanor that never seemed to flag in interest, notwithstanding their repetitious nature. Because of his membership in the Order there was always a "must" engagement on his list of functions, in nearly all the places he visited, and that was to attend both a lodge meeting and banquet of the Grand Lodge of Masons.<sup>11</sup> How the aged General stood up under it all is something to look upon with awe. As one writer put it:

No citizen of a foreign country has ever had so many and such warm admirers in America. Nor does any statesman in France appear to have ever possessed, uninterruptedly, for so many years, so large a measure of popular influence and respect. He had what Jefferson called a "canine appetite" for popularity and fame, but in him the appetite only seemed to make him more anxious to merit the fame he enjoyed.<sup>12</sup>

There is another very human aspect which accounts for his popularity: He was a tireless letter writer, and in the records of the War Department at Washington is the despairing annotation on a faded yellow order blank, on which a harrassed commissary noted at New Windsor, over 150 years ago—"Send the Marquis all the writing paper we have on hand."<sup>13</sup>

The Triumphal Tour therefore became a remarkable reception to a noted benefactor of the Republic. He had at first covered the older and more thickly populated parts of the Union where travel was relatively easy. Under the Resolution of Congress he was the guest of the Nation, and the more distant States would not be ignored. The Carolinas, Georgia, and the new States of the South and West were insistent that the "Nation's Guest" honor them also with his presence, even if his stay within their borders be short, due to the difficulties of travel, and the length of the journey.<sup>14</sup> Some of his visits necessarily had to be short and snappy. Others were more prolonged, in keeping with the interest of the General and the importance of the place visited, as at New Orleans. For instance, his visit to Mobile was rather brief. He arrived at that City on the morning of April 7, 1825, and remained there but that day, leaving early the next mornnig on the Steamer Natchez which the citizens of New Orleans had sent for the purpose of escorting him to New Orleans. Here is a brief excerpt from the narrative of his stay in the City of Mobile:

<sup>11</sup> Brandon, *A Pilgrimage of Liberty*, 72.

<sup>12</sup> *Encyclopaedia Britannica* (Eleventh Edition), XVI, 66.

<sup>13</sup> James Bennet Nolan, *Lafayette in America, Day by Day*, 13.

<sup>14</sup> Brandon, *A Pilgrimage of Liberty*, 13.

The inhabitants of Mobile, hoping that the General would be able to spend a few days with them, had made preparations for fetes they had intended to offer him; but most of them were in vain; pressed by time, he was induced to yield to the solicitations of the New Orleans Committee, who urged him to depart the next morning. He, however, accepted the invitation to a public dinner, a ball, and a masonic ceremony; after which, he went aboard the vessel which awaited to take him, to take a few hours of repose, rendered necessary by a day in which such agreeable excitement had occurred.<sup>15</sup>

At the break of day, on the morning of April 8, 1825, the river steamboat, Natchez, departed from Mobile with its distinguished guest and the reception committee from New Orleans aboard. After his fatiguing stopover in Mobile, Lafayette was in for some more strenuous experiences in passing through the open Gulf of Mexico in a river steamboat. As Lafayette's secretary described it, this is what happened:

On our way to New Orleans we had to make a choice between two routes: either to pass behind the islands of Dauphine, Horn, DuChien, DuVaisseau, and DuChat, cross Lake Borgne and Lake Pontchartrain, and land a few miles in the rear of the City; or to proceed boldly across the Gulf, to the mouth of the Mississippi, pass the Balize, and proceed up the river. Our Captain, confident in the strength of his vessel, made the choice of the latter, which was not entirely without danger, but which saves us 24 hours. We did not stop to regret his determination. Suddenly the sea became furiously agitated. The movements of the vessel then became so disagreeable, that we were obliged to lie down, to escape sea sickness which attacked almost all of us. During the night, the wind still increased; and the waves ran so high, that several of them coming over the deck, inundated our cabins and berths. The noise of the wind, the waves and the steam engine, with the creaking of the vessel, combined in such a manner, that it seemed every moment as if we should be swallowed up. At break of day I went upon deck, when I discovered a spectacle of the most splendid and imposing nature: We had arrived at Balize.<sup>16</sup>

When Lafayette arrived at New Orleans on Sunday morning April 10, 1825, he was greeted by a heavy rainstorm; it rained and it rained, as only it can in New Orleans!

<sup>15</sup> Auguste Levasseur, *Lafayette in America; Journal of Travels in the United States*, II. 97.

<sup>16</sup> *Ibid.*, II, 98.

## II

Aside from the contemporary newspaper accounts giving various details and incidents of Lafayette's sojourn of six days in New Orleans, there was also published, at the time of the visit, and shortly after Lafayette's return to his native France, two connected narratives of his celebrated stay in New Orleans.

The first of these accounts dealt only with the local reception to the General, and was by an unknown author, who simply described himself as a "citizen of New Orleans," but who was one obviously connected with the ceremonies. This account, contained in a little printed pamphlet of some eighty-six pages, was published at New Orleans in 1825, by M. Cruzat, State Printer, and was entitled, *Visit of General Lafayette to Louisiana*. It is a complete resume of all the official proceedings and speeches, and is prefaced by a handsome engraving of the Triumphal Arch.

The second of the contemporary accounts of Lafayette's visit to New Orleans appears as a chapter in the better-known work, entitled, *Lafayette in America*, by Auguste Levasseur, the secretary to General Lafayette, who accompanied him on his tour of America, with the General's son, George Washington Lafayette, and a Mr. DeSyon. This work in two volumes was first published in France in 1829, and in the same year appeared in two English translations. It contains much more information besides the accounts of the strictly official functions.

The high light of Lafayette's connection with the Revolution was the assistance he rendered, by his presence at Yorktown when Lord Cornwallis surrendered to George Washington on October 19, 1781, thus crowning with final victory the American cause in which the two famous friends and generals played such leading roles.

To celebrate the centennial of this notable occasion the French Government in 1881 sent over to the United States a notable list of military and naval officers, statesmen and other dignitaries, headed by General George Boulanger. Among the list of visitors was a grandson of General Lafayette—Edmond de LaFayette.

In due course it was but natural that this contingent of French officialdom should come to New Orleans where a large number of varied social functions were given in their honor



by representatives of the City and various organizations, in the lead of which in showering attentions was the Union Francaise.

To mark the occasion of this memorable visit an unknown writer set forth in great detail many of the official and unofficial incidents of General Lafayette's visit to New Orleans in 1825. Among the latter class, this anonymous writer states that, when Lafayette reached Fort Plaquemines on April 9th:

This news was conveyed to the city by courier, and created the greatest excitement among all classes. An amusing incident connected with military etiquette occurred about this time. A salute of 100 guns had been ordered, but when it came [time] to transmit the order several of the militia officers disputed the honor of conveying the message from the Governor. It seems that the officer commanding the artillery of the Legion settled the matter by firing the salute without further commands.<sup>17</sup>

Regarding this incident it appears that the arrival of General Lafayette was announced on Saturday evening about 6 P.M., by the discharge of artillery at English Turn, which was repeated by the discharge of 100 rounds in the evening in front of the Principal (Hotel de Ville).<sup>18</sup> The local paper while describing the scene omitted any mention of the circumstances surrounding the event.

In July, 1889, in commemoration of the centennial of the fall of the Bastille, there was published at New Orleans, a pamphlet, *La Franco-Louisianais*, under the auspices of leading citizens of French ancestry which recapitulated the events of the French Revolution, and the deeds of the French Nation thereafter. This pamphlet is in French, with the single exception of an article, in English, entitled, "Lafayette in New Orleans," by Edward C. Wharton, one-time editor of the *Picayune* and of the *Times*, and later a journalist on the *Times-Democrat*.

This account of the visit of Lafayette in 1825 is so thorough, accurate, and comprehensive that it deserves preservation here, not only because of the present fragile condition of the pamphlet, but likewise because of its intrinsic merits as well. A comparison of this article with the previous anonymous account of Lafayette's visit, appearing in the *Picayune*, in 1881, leads strongly to the conclusion that Mr. Wharton was most likely the author of the earlier account as well.

<sup>17</sup> New Orleans *Daily Picayune*, December 15, 1881.

<sup>18</sup> New Orleans, *Louisiana Gazette*, April 11, 1825.

## LAFAYETTE IN NEW ORLEANS

by

Edward C. Wharton

When, in response to repeated requests by Congress, the illustrious French Patriot, in July 1824, left Havre for New York, to become the "Nation's Guest," the news aroused the entire American people to the greatest enthusiasm. In no State or City, however, did this feeling prevail in greater degree than in Louisiana and especially in New Orleans.

This was but natural. When, nearly fifty years before, the young French noble had crossed the ocean to so heroically and so successfully aid the struggling American Republic, Louisiana was under despotic, regal rule—far more severe than that of Great Britain over her stubborn Colonies. And now, for two decades, as one of the grand results of Lafayette's valor in the cause of Liberty, Louisiana had been a part of the Republic,—free, flourishing and happy.

No wonder that her impetuous, warm hearted population, most of whom were of Gallic descent, longed to have with them the great French citizen, were it only to show him that his patriotic example had been their patriotic lesson too. In the debate on the subject in the Louisiana Legislature, Monsieur Davezac said: "Boston or New York will no doubt be the fortunate ones to first receive the distinguished visitor. This honor is justly due them. He once dwelt with them: for them he fought. But our turn will come; and we too will show the aged warrior a sod that has drank the blood of freemen!" The speaker had ridden by Jackson's side on the "8th of January," and many of his listeners had also faced the invader.

When Lafayette arrived in New York, August, 1824, he found awaiting him the cordial invitation of Louisiana and New Orleans. It had been forwarded, even whilst he was yet on the ocean.

When the news came to New Orleans that Lafayette had at last arrived in the United States, a salute of 100 guns was fired in honor of the event by the "Bataillon d'Artillerie," a splendid Creole corps, that went out of existence only a few years ago.

In October, 1824, Lafayette arrived in Washington City, to be received in majestic simplicity, by the National Government; and Louisiana's invitation was repeated there at a public dinner, through her U. S. Senator, that eminent civilian, Hon. Henry Johnson, who had but recently been elected Governor of the State.

Early in March, 1825, Lafayette began from Washington his tour in the South and West, equally memorable with that previously made in the Northern and Middle States. He was accompanied, as he had been since he left France, by his son, George Washington Lafayette, (god-son of Pater-Patriae), and by Messrs. Lavasseur and DeSyon, the former the General's secretary.

Though in his sixty-eighth year, the veteran stood the incessant fatigues and exposure of the entire year's journey with the alacrity and vigor of his younger days. Especially noticeable was the happy manner in which he untiringly responded to the thousands of enthusiastic addresses showered upon him with characteristic American liberality. His replies, always sensible and appropriate, had the merit of being brief.

Towards the close of March, New Orleans knew that Lafayette was traversing Alabama, coming this way via Mobile. At once every body here was busy, preparing for his reception and sojourn.

#### *Many Familiar Names*

At a general meeting of citizens, held at Harvey Elkin's Hotel, on Chartres street, a numerous Committee of Arrangements was appointed, to carry out whose orders were appointed twelve marshals, as follows: Messrs. J. F. Canonge, M. Duralde, P. Dubourg, P. E. Foucher, Jno. R. Grymes, J. H. Holland, Jno. B. Labatut, G. W. Morgan, L. Moreau-Lislet, Gen. G. R. Plauché, Jas. Sterret and Col. B. W. Schaumburg.

That splendid Mississippi packet, the Natchez, Capt. Davis, was engaged to go to Mobile for Gen. Lafayette; and there were appointed to go on her as a deputation to receive and escort the General, three members of Gov. Johnson's staff: Colonels Ducros, Fort and Morse—and four of the Committee: Messrs. Villeré, Duplantier, Davezac and Urquhart.

The City authorities, composed of Mayor Joseph Roffignac, Recorder Denis Prieur, Secretary G. Preval, and Aldermen B. Beauregard, J. Bernard, F. Benetaud, Wm. Christy, N. Cox, A. Davezac, Chas. Genois, L. Gaiennie, V. Lanna, F. Meance, J. Naba, B. Paxton and V. Wiltz—gave up the City Hall entirely to Lafayette as his "home." This striking edifice, (still on Chartres street next above the venerable Cathedral), was comfortably and luxuriously fitted up from the volunteered resources of the wealthiest private mansions.

The corresponding edifice on the lower side of the Cathedral, used then as now by the Courts, became temporarily the City Hall.



The Public Square, or Place d'Armes, established in front of the Cathedral, one hundred years before, by Governor Bienville, was a plain area, divided into shelled walks and grass plats, with a row of tall sycamores on the upper and lower ends, and surrounded by an iron railing. In the centre (where, since 1851, has stood the splendid bronze equestrian statue of Jackson), the architects, Pilie and Fogliardi, erected an arch of triumph, designed in the most elegant and picturesque Italian style, and of vast yet harmonious dimensions. Space lacks to describe the many artistic beauties of this imposing structure.

Louisiana, even in French and Spanish days, was noted for her military spirit. This had flamed out gloriously in Jackson's celebrated campaign; and in the numerous volunteer commands, chiefly in New Orleans, that Governor Johnson, as commander-in-chief, now ordered to prepare for the coming event, were many officers as well as sabre and musket bearers whose discipline and bravery in the storm of battle, ten years before, had won the praise of the stern hero of Chalmette.

Among these commands, comprising the First Brigade, First Division, were the Louisiana Legion, (that existed to 1861), Colonel B. Grima; the Orleans Grenadiers; the Louisiana Guards; the Carabiniers; the Voltigeurs; the Chausseurs; the Eclaireurs; Beale's Riflemen; the Light Dragoons; the Lancers, etc., not forgetting the Artillery Battalion, two companies, whose officers were: Major Benjamin Buisson, commanding; Lieut. S. S. Relf, adjutant; Lieut. Chas. Lanaux, quarter-master; Dr. Isidore Labatut, surgeon; Captains Louis Gally and Thos. Aubert; First Lieutenants, J. N. Sabatier and Guy Duplantier; Second Lieutenants, Ph. Pedesclaux and Gason Brulé. Other commands of the Brigade ordered from the near country, were: the Chausseurs, Capt. Ducros, Parish of St. Bernard; the Dragoons, Capt. Semilien LaBranche, Parish of St. Charles; and the Light Company, Capt. B. St. Amant, 5th Regiment of Infantry, Parish of St. James.

The Commander-in-chief's orders were issued through his aide, Col. J. J. Mercier; those of Maj.-General Lacoste, commanding the 1st Division, through his aide, Major Auguste Douce; those of Brig.-General Robeson, commanding the 1st Brigade, 1st Division, through his adjutant, Captain B. Z. Canonge. Gen. Lacoste also appointed as his aids, during Lafayette's visit, Lieut. Graham, U.S.A., and Lieut. Cunningham, U.S.N. Gen. Robeson's order, published March 23rd, closed with an eloquent appeal to officers and men to show themselves worthy of the occasion, so memorable in the history of the City and State. The answer was: full ranks.

*At Our Gates*

The Natchez left her landing at the levee, April 2nd, and, taking the river and Gulf Sound route, arrived at Mobile, April 4th. General Lafayette, coming down the Alabama river on the steamboat Anderson, landed at Mobile on the 7th. He was most hospitably received; and on Friday, 8th April, he embarked on the Natchez. The next day, Saturday, 9th April, at 8 A.M. the steamer crossed the Bar and entered the Mississippi. At noon, she arrived opposite the old Fort at Plaquemine, which fired a salute.

In the evening, about 6 o'clock, the Orleans Artillery detachment, stationed at English Turn, announced the appearance of the Natchez. At once a courier rode post-haste thence to the City. In a few minutes after his arrival, the main body of the Artillery Battalion, stationed in the Place d'Armes, opposite the Cathedral, told, by the thunder of 100 guns, that the Orleanians' long expected guest was at last at their gates.

Despite the heavy and continuous rain, everybody was on foot all night; and the last preparations were made by torchlight. At midnight, the Artillery fired a salute of 100 guns, to herald the advent of the all important day and event. At the same hour, the Natchez anchored in sight of Morgan's plantation.

*The First Day*

Early on Sunday morning, April 10th, the troops, including those of the United States assembled on the Place d'Armes, and marched to the localities designated by Gen. Robeson's order: The Cavalry, with an Artillery detachment, to the Battle Ground; the other commands to the "Esplanade," on the lower limits of the City, near the ancestral mansion of Monsieur Bernard de Marigny, and there await Lafayette.—At this mansion, in 1798, Marigny's father had entertained Louis Phillipe and his two brothers, fugitives from France.

Later in the morning, the Civic Authorities, with a large number of prominent citizens, proceeded in carriages to the Esplanade,—the Governor, the twelve marshals and a brilliant military staff continuing to the Battle Ground, where Lafayette was to land.

About 11 A. M., a fleet of steamboats, crowded with spectators,—among them numerous ladies,—came down from the City. The Natchez weighed anchor, and this flotilla escorted her to her journey's end, moving near and around her. Lafayette, being told of this, at once went on deck, and,

despite the pouring rain, stood there bareheaded, bowing to the applauding assemblage on the boats and the multitude, equally enthusiastic, on the levee.

At 2 P.M., the Natchez slowly approached the landing at the Battle Ground, where, besides the cavalry commands and a group of officials, a mass of people from all points of the Lower Coast Parishes was gathered to welcome the Guest. As he stepped from the Natchez to the shore, the artillery detachment fired a salute; the cavalry also saluted, and the Committee of Arrangements and Marshals received the General and his suite. They were at once conducted to an elegant landau, drawn by six white horses; and the whole party moved rapidly to the lofty and spacious mansion of Mr. Wm. Montgomery, which, as the McCarty Plantation, had been Gen. Jackson's headquarters in 1815.

The crowd of eager spectators that filled the broad galleries of the historic house, gave way in silence on the approach of the veteran, leaning on the arms of Messrs. Villeré and Duplantier.

Governor Johnson advanced to meet Lafayette. For a few moments, he was silent. The emotion was general. In sight was the Field of Chalmette. Before them stood the friend and comrade-in-arms of Washington; one of the heroes of Liberty in both continents.

The Governor was a Virginian. Like all true sons of the grand old commonwealth, he cherished her history to which Lafayette had added so many laurels. He loved Louisiana too; and, with such a theme, he could not, as a practiced orator, fail, in his address, to be feelingly eloquent and impressive. One passage of his speech deserves, even at this late day, to be reproduced:

"You will here perceive that your generous efforts in the cause of freedom have not wholly failed in behalf of those who can boast of the same origin with you. This State, settled by Frenchmen, and principally inhabited by their descendants, enjoys, as a member of the American Confederacy, full measure of their liberty for which you fought and bled. And the wise and temperate use which Frenchmen have here made of it, is a triumphant answer to those who have proclaimed them unfit for freedom, and stigmatized you for laboring to confer on your countrymen the greatest of all blessings."

At the close of his address, the Governor, unable longer to repress his emotions, pressed the General affectionately in his arms.



Lafayette was deeply affected, and at first spoke in faltering terms. He speedily regained composure, and his reply was, as usual, modest, felicitous and brief. This passage, in reply to that quoted from the Governor, still embodies a great political and historic truth. Said Lafayette:

"In this State, daily evidence is given of the fitness of a French population for a wise use of free institutions and for self-government.—To which I would add that, in the same instance, you find an evidence of the great share that the intrigues of European despotism and aristocracy have had in those deplorable excesses which have hitherto retarded the establishment of freedom in France." (This last stringent sentence was not permitted by the French royal censorship to appear in the description of Lafayette's American tour, published by Monsieur Levasseur after the return to France).

Governor Johnson then gracefully thanked the ladies for their attendance, despite the weather. At the ladies' request, Monsieur Bernard de Marigny addressed the General in their behalf, in French. Lafayette, with characteristic courtesy, replied to his fair visitors, direct, in the same language. He then had presented to him all present; and presented, in turn, his son and his two friends. Among those introduced to Lafayette were several veterans of the American Revolution, as Messrs. LeFebre, LeGoaster and Berthoulin. Also Col. Briant Bruin, one of the famous Gen. Montgomery's soldiers at Quebec; Col. Grenier, over 70 years old, who had fought for freedom in three revolutions, in the United States, Colombia and France; and last but not least, Judge Wm. Gerrard, who had served with Lafayette in Virginia and under his personal command at Yorktown.

The day was drawing to a close. Lafayette was conducted to his landau by the Marshals, who arranged the procession, which moved towards the City. Despite the disagreeable weather, crowds of people, increasing at every step, filled the highway and covered the levee.

Arrived at the Esplanade and near the river, the troops were found drawn up in two lines on either side of the road. As Lafayette came close, arms were presented, flags saluted, the bands played, the cannon fired,—so continuing whilst the old soldier passed slowly along between the lines, giving the military salute. The whole force was then reviewed by Maj. Gen. Lacoste and Gov. Johnson; then the infantry fell into column by platoons behind the cavalry.

The march into the City began. The order of the procession, embracing all public officials, City and State, consuls, Federal officers, presidents of incorporated institutions,

members of the Bar, the clergy and prominent citizens generally—all in carriages—is too long and elaborate to repeat.

The vessels in port were fully decorated with flags of all nations; the houses were gaily draped; the streets through which the procession passed towards the Place d'Armes, as well as that area, were crowded.

#### *In the City*

Lafayette's carriage finally halted in front of the gateway on the river front of the square. As he entered the square, all the bells began to ring and 10,000 men shouted "Welcome!"

This enthusiastic outburst ceased when Lafayette approached the splendid Arch of Triumph, where Mayor Roffignac formally received the City's guest in a brief and excellent address, in which he happily alluded to "their common ancestry."

The General felicitously said, "the Mayor's name recalled to him one of his own former contemporaries in France: the Mayor's father,—a remembrance of frankness and bravery." "Fifty years ago," he continued, "one of his dearest wishes was that his Louisiana countrymen might some day participate in the benefits of republican liberty and independence. That hope was now realized!"

Lafayette then passed under the Arch, and escorted by the Mayor, the Governor and the venerable Spanish monk, Father Antoine de Sedella, of the Cathedral service, proceeded to the Hall where the City Council was convened. The spacious room—where the Supreme Court usually met—was filled. Recorder Prieur spoke briefly but well. In his answer, Lafayette compared New Orleans' rapid progress under a free government with her stagnation under the old French and Spanish regal rule.

The General was then escorted to his residence already mentioned. As he entered its wide, arched door, on the ground floor, the multitude broke out in long and repeated acclamation, the bells rang, the cannons fired.

Notwithstanding the torrents of rain that now fell, Lafayette, on being informed that the troops were about to march by on Chartres street and salute him, went out on the open balcony, in front of the wide covered gallery on the second story. At sight of him, the multitude again hailed him enthusiastically.

Says a local newspaper report: "The troops looked as we had seen them at Jacksons' lines on the 8th January.

The bands played 'Yankee Doodle,' heard at Bunker Hill, and at times that terrible 'Marseilles Hymn', which, like the blast of Joshua's trumpet, levelled the Bastille to the ground."

Closing the martial column, marched in *sigle file* 90 Cherokee warriors, who, three weeks before, had come a long way from their prairie village to see the "brother of their great-father, Washington."

A large number of visitors then entered the building and filled the gallery in front of the apartments. Each one was introduced to the General, and at once politely retired,—leaving the Governor, the Mayor, the Recorder and Aldermen and the Committee of Arrangements to entertain the General.

At dinner, he sat between the Governor and the Mayor. The others present at the table, besides the General's son and his French friends, were Maj.-Gen. E. W. Ripley, U.S.A., distinguished on the Canadian frontier in the War of 1812; several of Lafayette's Revolutionary companions, and Monsieur Louis D. Caire, the private Secretary of Gov. Johnson and an old acquaintance of Lafayette.

#### *The Second Day*

On Monday morning, April 11th, the General was waited upon by a Committee of that distinguished body, the New Orleans Bar, namely, Messrs. Jas. Workman, L. Moreau-Lislet, J. W. Smith, P. L. Morel, Geo. Waggaman, G. Morphy and C. DeArmas. Mr. Workman spoke, asking Lafayette's permission for the Bar to wait on him in a body. The General named 11 A.M. Tuesday, 12th.

Soon after, tho' the Legislature was not in session, a large number of its members were in the City, and they called in a body. Their spokesman was that eminent Louisianian, the Hon. A. B. Roman, Speaker of the House and later on twice Governor. His address and Lafayette's reply were equally excellent.

Notwithstanding the perverse rain, the citizens in crowds came to pay their respects to the "beloved Guest." All had retired at 3 o'clock P.M. Lafayette then called on Governor Johnson and Mayor Roffinac. Thence, he went to the Herries Hotel to visit Mrs. Call, wife of the Florida Congressional Delegate, and the Misses Wright, two distinguished English ladies, travelling in the United States, and one of them an author. The General then called on Mrs. Henry Clay and her daughter, Mrs. Duralde, and also on Mme. Ducourneau, a sister of Gen. Villeré, late Governor of the State,—the son of one of O'Reilly's victims in 1769.



Lafayette, overwhelmed with invitations to dine at private houses, was compelled to decline them all. He dined at his "home," and in the evening attended the American and French theatres. The former was erected in 1822, on Camp street below Poydras, by that eminent actor and manager, Jas. H. Caldwell. A box, elegantly and tastefully decorated, was occupied by the distinguished visitor and suite. A brilliant audience filled every part of the house, whose rapturous applause repeatedly interrupted the play, though given by a splendid company, the celebrated Cooper, Conway and Forrest among them.

Thence, Lafayette went to the Theatre d'Orleans, erected on Orleans street in 1816, by Monsieur John Davis, who, followed by his son, for a quarter of a century, made New Orleans famous as maintaining the Opera in a style worthy of Paris. The theatre front was brilliantly illuminated; a superbly ornamented box awaited Lafayette.

When he appeared, the crowded auditorium rose and greeted him with burst after burst of enthusiastic applause. He heard the last two acts of Casimir Delavigne's comedy, "L'Ecole des Veillards." This was followed by a cantata composed expressly for the occasion: the words by Monsieur Mountmain and music by Monsieur Cheret, one of the theatre's artists. It was sung by the entire troupe, and the last words, "Vivent Lafayette et la Liberte" were repeated by the delighted audience, in chorus.

#### *The Third Day*

The weather on Tuesday, April 12th, was delightful, and at an early hour Lafayette was surrounded by visitors from the City, the State and the adjacent States. The fair sex were present in large numbers.

At the appointed hour, the Members of the Bar appeared. Their orator, Secretary of State, Pierre Derbigny—like Lafayette, of French noble birth—had long been domiciliated in Louisiana and had held there with ability and repute many prominent public offices. His address, in French, was worthy of the warm praise it received. Lafayette could not but be deeply gratified with the delicacy of the sketch of his disinterested patriotic career and his rectitude and calm courage amid the most trying vicissitudes.

It may be noted here that Derbigny soon became the Governor of Louisiana; and his death, by accident, during his term, was profoundly regretted. One of his sons was, for years after, Lafayette's legal and business agent in this section.

A numerous delegation of the Spanish residents—those driven of late from their native land by royal oppression—were the next callers. Their president, Senor Christoval de Armas, was absent, from sickness, and Senor Campe spoke in his place. These refugees desired to thank Lafayette for his generous opposition in the French Chambers to the armed crusade in 1823 by the French Ministry against the Spanish Liberals.

Lafayette, in reply, praised the noble character of his friend, the celebrated Spanish Liberal leader, Riego, (executed in the fall of 1823), and expressed the belief that the beautiful Spanish language would yet be spoken only by an independent, republican, people.

A number of the soldiers of the Revolution now gathered around the General—among them, several who had served under him—and the other visitors listened with delight to the lively conversation between these veterans and their former comrade.

At night Lafayette attended a magnificent ball that was given at the Theatre d'Orleans in his honor. The front was splendidly illuminated. The pit was raised to a level with the stage: the boxes were on the same level. Fronting the stage, a large box was prepared for the General. The theatre was profusely decorated with flags. The ladies, dressed in the most elegant style, numbered eight hundred!

At 10 P. M. Lafayette entered the hall, supported by the Governor and the Mayor, and followed by the Committee of arrangements and a brilliant staff. The General stood a long time, bowing to the enthusiastic throng. On his taking his seat, dancing began with a waltz. After a while, Lafayette slowly walked around the ball room,—“complimenting,” says the chronicler, “the mothers on the beauty and grace of their daughters.”

A grand supper had been prepared in an adjacent hall composed of two rooms thrown into one. Lafayette was presently led thither by the Governor and the Mayor and placed at a table where he could see and be seen. At the numerous tables were soon seated the 800 ladies, and the newspaper chronicler can readily be believed when he says that this “was the most brilliant and interesting sight ever presented in Louisiana.”

Of course, a number of toasts were drank, in which the Governor and the Mayor took the lead. Lafayette closed the list. He rose, bowed to the fair throng and said: “The Ladies of New Orleans!”

*The Fourth Day*

On Wednesday, April 13th, a larger number of visitors than before called on the General, all of whom were received with his undeviating and engaging cordiality. Several Revolutionary veterans came long distances from the adjoining States, and his delight, as they exchanged reminiscences, was manifest.

Right Reverend William Louis Dubourg, the first Catholic Bishop of Louisiana under American rule, paid a visit, to congratulate the General; and, as the Bishop—though long serving at Baltimore whence he came to New Orleans—was a native of France, the conversation between two such cultivated men was of deep interest.

Father Antoine de Sedella, the Spanish Capuchin monk, who came to New Orleans in 1788 (in his fortieth year) and had ever since been in the Cathedral service, was another visitor whom Lafayette greeted in his most friendly manner. The venerable man was now Vicar-General and the curate of the Cathedral.

In the afternoon, the General paid visits to Mrs. Wilkinson, wife of his old friend Gen. James Wilkinson, U.S.A., (who was absent from the City); also to Mrs. H. Carleton, sister-in-law of Lafayette's early friend, the celebrated Edward Livingston; Mrs. McCutcheon, daughter of Maj.-Gen. Butler, lately deceased, a distinguished officer of the Revolution; Mrs. Louis D. Caire; Mrs. Lewis, daughter of Major Lawson, an officer of the Revolution who served under Lafayette's individual command; and to Messrs. Boulogny and Johnston, U. S. Senators from Louisiana.

Lafayette and his party dined with Governor Johnson, in company with several Revolutionary veterans and many distinguished citizens and strangers.

At dark, there was general illumination of the City "with elegant transparencies and ingenious inscriptions." The most brilliant display was in and around the Place d'Armes. The General's "House" and the Court Building below the Cathedral fairly glowed. In the Square, the trees were filled with colored lanterns; pyramids of fire arose at the four corners; the iron railing and gates were traced in light; the grand Arch of Triumph, in the centre, was resplendent. The balconies of all the houses near were filled with ladies in full dress, "their heads decorated with flowers and plumes," whilst a crowd of ladies, in ball dress, occupied the Square. Fully 5,000 people held every foot of space in front of the General's house and on the adjacent avenues.



Lafayette soon came, in his landau, from the Governor's. He was preceded by the roar of artillery and was received with thunders of acclamations. A host followed him into the Hall and filled the galleries and public rooms. He appeared on the balcony and saluted the thousands of spectators outside, who cheered him to the echo.

At a later hour the General attended the American and French theatres, and a splendid ball at the handsome St. Philippe street ball room.

#### *The Fifth Day*

On Thursday, April 14th, there was an early general reception.

The "Free Men of Color," most of whom had served, and served well, under Jackson on the "8th of January," had asked to be received in a body, and this day was fixed upon. They came, headed by Mr. John Mercier, a planter. His address was brief, patriotic and well expressed. Col. Joseph Savary and Capt. Simon followed. The General's answer was short, feeling and kind. He complimented Col. Savary and Capt. Simon on their bravery at the "Battle" of which the Governor informed him. He shook hands with each of these well pleased visitors, who all spoke French.

Next came the members of the New Orleans Medical Society, Dr. Louis Fortin, President. To a very handsome address, Lafayette made a most cordial reply. Many eminent men, (as with the members of the Bar), whose names and merit are still remembered, were in this group of visitors. Only one of them survives: Dr. I. Labatut, who, though over 90 years of age, retains possession of his mental faculties.

The Marshals then came to pay their respects in a body. Mr. J. F. Canonge, a distinguished lawyer, afterwards an eminent judge, delivered the address.

In the early afternoon, Lafayette made a tour of the City, and then visited Monsieur and Madame Bernard de Marigny and Mme. Rousseau, widow of Captain Rousseau, an officer of the Revolution.

#### *Masonic Dinner*

The State Masonic Grand Lodge had decided some time before Lafayette's arrival, to give him a reception and dinner. The Committee appointed to take charge consisted of J. H. Holland, Grand Master; Amadée Longer, Senior Warden; Chas. Maurian, Junior Warden; D. F. Burthe and Yves LeMonnier, ex-Gr.-Masters; F. Verrier and C. Mioton, Grand Stewards; Geo. W. Morgan, ex Gr.-Treasurer; and C. Miltenberger, Grand Treasurer.

A Committee, composed of J. F. Canonge, ex-Gr. Master, H. S. Denis and J. B. Lefebvre, waited on the General the day after his arrival and tendered him the invitation in the name of the Grand Lodge and all Masons in the City, including both the York and Scotch Rites. The General named Thursday, 14th April.

Davis' spacious Ball-Room, next his Theatre d'Orleans, was fitted up, in gorgeous style, as a Masonic Temple. Three hundred Masons were present, when at 5 p.m. Lafayette entered, accompanied by his son George and Secretary Levasseur. Grand Master Holland met them at the entrance, and gave them hearty fraternal welcome. Grand Chaplain, L. Moreau-Lislet, delivered a very eloquent address, particularly alluding to Lafayette's long and tyrannical imprisonment at Olmutz and his firmness and patience under that as other severe trials. Lafayette's reply was characteristically modest and genial.

At the close of the Masonic Ceremonies of Reception, a banquet followed. It was presided over by Bro. Holland, assisted by Bros. A. Longer, C. Maurian and A. Douce.

The numerous regular and volunteer toasts appear at length in the journals of the day. To that to "Very Illustrious Brother, Gen. Lafayette," he rose and proposed: "To the Brothers who worked together at the Lines on the 8th of January, and to the Master Workman who directed the Work."

Brother Johnson, Governor, toasted "The City of New Orleans." Bro. Lieut. Cunningham, U.S.A., proposed "The downfall of the Holy Alliance." A song in French, written by Bro. Judge Jas. Pitot, was sung by Bro. Schreiber.

After the dessert, Lafayette, accompanied by the Governor, the Mayor and many other Masons, went into the French theatre by a side door. He was not expected by the audience but at the first glimpse of him the theatre rang with applause. The opera, by Boieldieu, was stopped; and the orchestra played the music of the old fashioned song,—“ever new to French ears,” says the chronicler: “Ou peut-on etre mieux qu'au sein de sa famille!” After enjoying a vaudeville entitled “Lafayette a la Nouvelle-Orleans,” written by a Creole gentleman, the General returned to the Temple, whence, as he was to leave the City the next day, he soon took his departure, being escorted to his carriage by the Grand Master and ex-Gr.-Masters.

#### *Sixth and Last Day*

On Friday, April 15th, General Lafayette bade farewell to New Orleans. He was to go to Baton Rouge, Natchez and

St. Louis; thence to Nashville and Gen. Andrew Jackson's home; to Louisville and Pittsburg; and, once more, to the chief Northern cities ere returning to France.

Governor Johnson, who had devoted himself to the honored guest's comfort,—being guided by his wishes in all things,—was equally zealous in the arrangements for his journey up the Mississippi. The swift and elegant Natchez was again selected. The Governor and Gen. LaNeuveville, his adjutant general, determined to accompany Lafayette as far as Natchez, and Recorder Prieur as far as St. Louis. The other members of the escort for the trip were Messrs. Duplantier and Christy, of the Committee of Arrangements; Colonels Ducros, Fort and Morse, the Governor's aides; Mr. Caire, his private Secretary; Col. Fourchie, one of Lafayette's old friends, and Mr. Vincent Nolte, a leading merchant, Consul for Hamburg.

Early in the morning, the citizens gathered in crowds in the Place d'Armes and on the adjacent streets. The galleries, passage-ways and halls of the General's "house" were filled with visitors. An air of sadness was on every countenance.

At the appointed hour—noon—Lafayette bade a kind farewell to those in the "house." Accompanied by his son and personal suite, the Governor, Mayor, Recorder, Members of the City Council and some prominent citizens, he slowly traversed the square. The troops were drawn up in two lines facing each other, and gave the old soldier the military salute as he walked slowly along.

Reaching the splendid Arch of Triumph, he paused and looked around him. The host of spectators, hitherto silent, burst into acclamations, but were speedily silent again as the General moved to the wide gate, nearest the Levee, where his landau and other carriages were waiting.

The troops—U. S. Battalion in front—wheeled into Chartres street escorting the carriages, which moved at a slow pace. The street was closely packed with people, who preceded, surrounded and followed the vehicles,—getting as near Lafayette as possible, to have a last look or word. The balconies were filled with ladies, waving farewell with hands and handkerchiefs.

Moving to the Levee, the procession halted when near the Natchez. The troops formed into double lines; and Lafayette passed through, and on board the steamer, followed by his escort and a large number of citizens.



*His Departure*

Delay was painful and Lafayette himself gave the signal for departure. As the Natchez left the shore, the artillery at the Place d'Armes fired a last salute. The steamer went slowly down stream as far as the "Esplanade," then turned her prow and began her upward voyage. Lafayette stood, amid the silence of all with him, with eyes fixed on the City, whose warm-hearted people had given him so many proofs of their admiration and affection. The levee, the streets, the galleries, even roofs were filled with spectators, bidding him "farewell!" The scene was one he could never forget; it profoundly impressed him as well as those who stood near him.

The Natchez at length reached the upper limits of the City, where flourishing suburbs stretching far among the adjacent fields, announced the future metropolitan extension of New Orleans. The Mayor, Aldermen and other visitors gathered around their guest to say farewell.

"You have not witnessed to-day, General," said Mayor Roffinac, feelingly, "that gladness with which our citizens greeted your arrival. You leave the people of New Orleans filled with the remembrance of your worth and kindness, and with the regret of having had you with them for so brief a period."

Lafayette could answer only by affectionately pressing the hands of his friends. They then slowly left the boat for the shore; and soon the Natchez disappeared in the distance.

In his secretary's interesting description—published at Paris, in 1826,—of Lafayette's remarkable Triumphant Tour through the United States, it is evident how very much the illustrious Patriot's reception and sojourn in New Orleans gratified him. That was but natural. The majority of his hosts still retained the vivacious temperament, the warmth of feeling, the language, the traits and habits, the wit and social polish of the ancestral land. It was as if, by a magician's wand, he had suddenly been transported back to La Belle France, even to his own delightful home at LaGrange.

And in New Orleans, this memorable event in her history is still vividly remembered in the numerous households occupied by the descendants of those who, over sixty years ago, made Lafayette's visit one long holiday. Among those descendants,—in the charming Creole domesticity,—many years of my youth were spent; and I know whereof I speak. In the family archives are carefully guarded many relics of that joyous week; silk badges and cockades, gold and

silver medals, long and short gloves, ladies waist-sashes, miniature likenesses of the honored guest,—even little notes in his own handwriting. And there are still a few, a very few, of the warm-hearted Orleanians of that day, who remain with us, to tell us how Lafayette looked to them and what Lafayette said to them in the golden days of their youth, when “all went merry as wedding bells.”<sup>19</sup>

### III

While the foregoing account by Edward C. Wharton gives in detail many of the official features of the General's welcome, there are several unofficial anecdotes relating to the historic visit, appearing in other accounts, which are worthy of mentioning. The first of these behind-the-scenes accounts is from the pen of Vincent Nolte whose recital of the affair, while not exactly correct in all respects, has found corroboration for several of his statements in sources other than his own.

In every State of the Union, . . . gathered young and old together to greet and honor worthily the man who, sprung from the old French noblesse, in the bloom of youth, the darling of the court, had carried over the mighty ocean his strength, his ability, and a great part of his fortune to fight for the young Republic; had been Washington's comrade, friend, and first aid-de-camp, and was now the only living warrior of that time. A period of more than forty years had rolled away since the general had left the land for which he fought; the new generation which did not know him, regarded him in the light of a saint, and the old who remained, were so scattered that only here and there came one who could take the stranger by the hand and bid him welcome.

\* \* \* \* \*

In the beginning of April [1825], precisely when the wildest spirit of speculation [in cotton] was at work in New Orleans, . . . came General Lafayette, an arrival which alone could have created a diversion. Although in the whole population of the city and its environs not one comrade in the war of independence, nor even one personal acquaintance, except myself, was there to greet him, still the enthusiasm with which he had been received everywhere was intense in Louisiana, from the fact of most of the inhabitants being of French extraction; and men were more anxious to venerate the historic importance of the actor in the French revolution, than of the then young but now gray-haired hero of the American. . . .

\* \* \* \* \*

<sup>19</sup> Edward C. Wharton, "Lafayette in New Orleans," in *La Franco-Louisianais*.

The Congress, as is well known, voted to the general, as a testimonial of the national gratitude, \$200,000, and 200,000 acres of land, which the general chose in the newly-received state of Florida, which had just been purchased from Spain, it having been allowed him, as a condition of the present, to choose from any unoccupied public lands in the United States. After this present, the general resolved to visit all the States, if only for a couple of days, which, in the session of Congress, had voted for the present. Therefore he left Washington, and passed through Virginia, North and South Carolina, Georgia and Alabama, to Mobile, where he found a deputation from New Orleans, headed by the governor, who had come to welcome him, and conduct him to their city. As I learned from the governor, his first question about New Orleans was whether I was there, and he seemed pleased at receiving an affirmative answer. The legislature of the state had arranged his reception with the common council of the city. The residence of the common council, the *Mayory*, was entirely refitted, admirably adorned, and newly and luxuriously furnished. A table, with thirty covers, was set every day during the general's stay, in order that he might become acquainted with the principal inhabitants and planters. . . . Finally, one of the best steamers was procured, and kept ready for a visit to Natchez and the state of Mississippi, with a deputation, consisting of the governor, a member of the legislature, a member of the common council, and a delegate from all the most important classes in the country—planters, lawyers, merchants—chosen by the General himself. When he looked over the list, and came to the names of merchants, he designated me as the person who, as an old acquaintance, would be most agreeable to him. By his wish I visited him every morning after breakfast, on which occasions he questioned me freely about men and things in Louisiana. One morning he acknowledged to me that his purse was but meagrely furnished. "Certainly," he said, "Congress has granted me money enough, but I have not as yet received one cent of the \$200,000, because the treasury was not at the moment prepared to pay it; therefore, I am in need of money; can you give it me?" My answer may be divined. I placed my cash-box at his disposal; but he only wanted \$1200, which I brought him the same day. I asked for no receipt, but begged him merely, when he should return to the North, and visit Boston, at his convenience to give the sum to my friend there, Mr. John Richards. The general insisted on giving a receipt, and put one into my hand the next morning, which I have retained, although the debt has been paid.

The voyage to Natchez gave me better opportunities of seeing the general, and of enjoying his conversation, than would otherwise have been possible. The whole of the great



cabin of the steamboat was for the general's convenience. Above this, on the deck, was erected a large convenience saloon, wherein the eating was carried on, and where people passed the time as well as they could. In it were sofas, playtables, cards, and books. The governor of Louisiana, by name Johnson—a most ordinary kind of man, ill-instructed, and of the most unpolished manners, in many respects a true child of nature—sat on the general's right hand. The seat at the left hand was reserved for me; and at breakfast the General was wont to say, "If you have anything to talk about, let us go down to my room and talk." Such invitations were more welcome because I could not accept them as often as I wished, and I had avoided them, as far as the resting-points of the trip were concerned. As the dwellers on the banks of the Mississippi had expected the arrival and voyage of the general, wherever the steamer that carried the nation's guest was recognized, by the numerous decorative flags, they hastened, so soon as it was seen in the distance, to assemble in some house, and to make the welkin ring with their shouts of welcome. Where the houses were numerous, or in the immediate neighborhood of a village—like Baton Rouge, for instance—the boat would stop, and the general would receive the deputations that came on board to greet him, or the single personages who desired to be presented to him. The deputations usually came with their speaker at the head. Of course, in most instances, the speaker was more occupied in exhibiting his cleverness and oratorical talent, than with the object of his mission, or a desire to give pleasure to the hearer. And the good general had no remedy for this evil, but was compelled to listen attentively to the longest, stupidest, wordiest discourses possible. I never saw a mark of impatience upon his countenance. So soon as the infliction was brought to an end, he always had ready a few suitable and flattering words. The ease with which he performed this task greatly astonished me. I could not refrain one day from asking him how he managed always to reply to the most silly and idealess speeches. "My friend," he answered, "it is not hard. I listen with great attention until the speaker drops something that pleases me, or that gives opportunity for a repartee, and then I think about my reply, and arrange it; but of all the rest I do not hear a syllable—it all blows over me."

But on other less important occasions his readiness and power in answering was really remarkable. At Baton Rouge, two young men were presented to him. The inevitable handshaking was the usual prelude to a short dialogue; but the young men stood mute before the general and gazed at him silently. At length he asked one of them, "Are you married?" "Yes, sir," was the answer. "Happy man," quoth the general. He then put the same question to the other, "and you, sir, are

you married?" "No, sir," was the answer; "I am a bachelor." "Lucky dog!" said the general. In these words which fell from the general, and which I cannot render happily into German, both received, married man and bachelor, a witty compliment on his social position.

... Great as was his modesty, however, he could not conceal the pleasure caused by these recollections of his earlier popularity and influence. Popularity was the god that ruled him, and to which on no occasion of his life had he ever refused his service. . . . To be the idol of the people was the deepest desire of his heart, and the fulfillment of this desire he could only attain to in a republic. . . .<sup>20</sup>

In giving the details of his conferences, in France, with General Lafayette regarding his efforts to make it financially possible for the General, who was then without funds, to accept the invitation of Congress to visit the United States, Nolte remarks that Lafayette had asked permission to introduce to him two ladies living in the General's home at the time, and under his protection. One of these ladies was a Miss Frances Wright, and the other her sister, who had decided to make an investment in Louisiana; and Nolte remarks that at the General's request he effected the investment, which later, was returned to the ladies at New Orleans at the time of the General's visit there.<sup>21</sup>

Frances Wright was an eccentric English woman who had become acquainted with Lafayette in 1821 as a result of her advocacy of liberal political principles. She was a frequent visitor at the home of Lafayette and tried to have the General adopt her as his daughter, but his family objected. She was a woman of advanced views. She and her sister had visited America in 1818-1820, and had written an account of their experiences. The two women returned to the United States in 1824, and then proceeded to trail General Lafayette on his great tour, and somehow or other managed to show up at most of the places visited by him, which did not altogether please him.<sup>22</sup> This, therefore, explains the mention in Wharton's account, of Lafayette's call upon the Misses Wright, on the second day of his sojourn in New Orleans, and of Nolte's statement of returning to them the funds entrusted to him for investment.

The unofficial incident in Lafayette's visit, however, which caused the biggest stir, was at the same time the one which was

<sup>20</sup> Nolte, *Fifty Years in Both Hemispheres*, 310, 318, 319-322.

<sup>21</sup> *Ibid.*, 308.

<sup>22</sup> Brandon, *A Pilgrimage of Liberty*, 455; Lafayette, *Memoires, Correspondence et Manuscrits du General Lafayette*, V, 203-204.

subjected to the greatest censorship, as not one word of the affair was mentioned in the papers. Possibly it was kept from the reporters for obvious reasons. But the matter illustrates quite forcibly how seriously the early citizens regarded alleged affronts to their dignity or honor, caused by the slightest remark or action, which injured their keenly sensitive feelings of honor and principle, and for which a resort to the *code duello* was the only means of obtaining satisfaction.

What the actual *casus belli* was is not made clear by the two historians who report the incident. It must have been trivial, although not so to the participants. Had the matter not been happily resolved by the tact, boldness, and fatherly management of General Lafayette, there might have been a wholesale meeting of the principals on the field of honor, who, seemingly, had entered into a truce until after the General's departure. When the General heard of the misunderstanding he acted with promptness and decision.

It will be recalled that at the time of Lafayette's arrival a dispute arose between the militia and the Louisiana Legion as to who would give the order to fire the salute to announce his arrival. Whether this dispute on this point was carried over to the next misunderstanding is unclear, but the probabilities are that it was.

It had been announced that, commencing on Tuesday, April 12th, the General would receive all visitors between the hours of 10 A.M. and 2 P.M. who cared to call. Taking advantage of this permission granted by the General, the officers of the Etat Major of the Militia, headed by Brigadier-General Robeson, and of the Louisiana Legion, with Major B. Grima, their Commander, jointly called to pay their respects to the honored guest of the City, by whom they were warmly received and welcomed as brothers-in-arms. After the occasion of this visit something apparently happened to ruffle the feelings and dignity of one or the other of the military contingents. Here is how the matter is reported by the unknown, contemporary author of the story of Lafayette's visit:

On retiring from this visit, an altercation which arose relative to certain prerogatives of the Louisiana Legion, contested on the one part, supported on the other, with equal warmth, led to such lively explications, that the friends of harmony conceived serious inquietude. But the respect



inspired by the neighborhood of the General, the sentiment of propriety, imposed on the most passionate a silence, commanded besides even by the duties of hospitality, and which soon calmed their minds; and if any ill will remained, it was at least sacrificed for the time to the desire of rendering the ball that was to be given that evening at the Orleans theatre in honor of the Guest of the Nation, as agreeable as possible.<sup>23</sup>

The details of the affair, settlement of which was to be postponed until after his departure, reached the ears of the General on the next day, and he promptly acted by sending for all of the principals involved. When they were assembled he made an address to them, the text of which is faithfully reported in almost identical terms by the two historians of this visit, as follows:

Gentlemen, you probably anticipate the motive which has induced me to request a visit from you; I am not ignorant of what has happened, and but too well foresee the results. But it is not your affair alone, it is also my own; and I shall never cease to regret having been the cause, though innocently, of the misfortunes which may result from a point of honor carried too far; for I cannot conceal from myself, that, but for my arrival, and but for the visit with which you have in consequence honored me, no difference would have occurred. If then I could have foreseen such a trial, I here protest to you, that in spite of the warm wish I felt to visit a country, which has been dear to me for many years, in spite of the length and the fatigue of a journey, undertaken in return to an urgent invitation from the Louisianians, I would have written from Mobile to excuse myself, and should have preferred to suffer my own regret, to giving you occasion for disagreement. This will not be limited to a mere dispute about *rank*; it will be represented in Europe as a dissension among the elements of the population; and I shall have the pain of being recorded as having sown discord where I found only peace and harmony. Must I then be less fortunate in Louisiana than in another State, where I have extinguished antipathies which had existed for twenty years? It does not belong to me to intermeddle with the purely *legislative question* which relates to the prerogatives of the Legion, and the attributes of the militia officers; but since you are willing to rank me among the old soldiers who have gained some glory in the War of Independence, you will allow that I have some knowledge of *military etiquette*. Promise me then that after those who may think they have

<sup>23</sup> Citizen of New Orleans, *Visit of General Lafayette to Louisiana*, 51-52.

any cause for self reproach have taken the first step, the others will take the second.<sup>24</sup>

One of the superior officers then advanced, with manly frankness, and said to him: "General, I place my honor in your hands: I will subscribe on anticipation to what you will do." The oldest of the officers, who thought they had ground for complaint, then said to him: "I also trust my honor with you, General, and that of my comrades, who will not withhold their consent." The General took the hands of these brave men, and having united them in his own, had the pleasure of seeing all embrace each other, who, but a few moments before, were ready to renounce the delightful title of "brothers-in-arms."<sup>25</sup>

One cannot help but note the nicety of expression of these early authors who so delicately describe the situation, where members of the two contending parties stood ready to carve or shoot each other up, and then as suddenly forgetting the whole unfortunate business. Strangely enough, the narrator of this scene of reconciliation writes: "This affecting scene had several witnesses, who soon *published the particulars of it*; and the news was received with an excess of joy, as it was that of a reconciliation between all that Louisiana cherished and respected.<sup>26</sup> But, curiously enough, not a word of the affair got into the daily papers!

As affording a possible explanation for the difficulty, it may be noted that, according to the Act of the Louisiana Legislature, of January 30, 1815, later repeated in the Act of March 8, 1834, all free white citizens of Louisiana between certain age limits, were liable to military duty as part of the militia of the State. As early as the Act of March 29, 1805, however, the Governor was authorized to approve of the organization of volunteer military companies. Undoubtedly the Legion of Louisiana, in existence at the time of Lafayette's visit, was just such an organization, because the general militia Act of March 8, 1834, specifically recognizes and confirms its existence in New Orleans, "with the privileges of making rules for its own government." In 1823, the Louisiana Legion was under the command of Major Chas. Cuvelier, a prominent attorney and notary in New Orleans.

However, as furnishing a probable clue to the origin of the quarrel between the military men, it will be observed that the

<sup>24</sup> Levasseur, *Lafayette in America*, II, 109.

<sup>25</sup> *Ibid.*, II, 110.

<sup>26</sup> *Ibid.*; *Citizen of New Orleans, Visit of General Lafayette to Louisiana*, 57.

Act of 1834 specially provided that "State Volunteer companies may attach themselves as right and left flank companies to different regiments of militia, by first obtaining the consent of their commanding officers." The law also fixed the order of rank in line of militia and volunteer companies. Possibly, before or during the reception of Lafayette, there occurred some breach of *military etiquette* with which General Lafayette expressed familiarity when he undertook his delicate task of reconciling the clashing claims of the respective branches of the State's military forces, which he did with the pleasant success mentioned.

#### IV

Closely related to the facts of Lafayette's visit to New Orleans is the legislative and judicial history of the land grants allotted to him by Congress as a veteran of the American Revolution.

Apart from the grant of an entire township of land by the Act of December 22, 1824, as early as 1803, in amending the Act in relation to "Grants of land for military purposes, and for the Society of the United Brethren for Propagating the Gospel among the Heathens," in Section 4 thereof, Congress authorized the Secretary of War to issue warrants to Major General Lafayette for 11,250 acres of land, North of the Ohio.<sup>27</sup>

Something having evidently gone wrong with the execution of this grant to Lafayette, Congress in adopting another Act on March 27, 1804, in relation to Regulating the Grant of Lands of the United States, South of Tennessee, in Section 14 thereof, authorized General Lafayette to locate his grant on any lands, the property of the United States, in the Territory of Orleans.<sup>28</sup>

To implement the grants referred to, Congress then proceeded further, by the Act of March 2, 1805, Section 8, to provide that in locating his lands Lafayette was to do so by presenting a certificate of survey to the Secretary of the Treasury, conditioned that no location should contain less than 1000 acres, and provided that any location so selected did not include any improved lands, salt springs, or lead mines, and was likewise not already claimed by another.<sup>29</sup>

The location of claims of the minimum size of 1000 acres proving too difficult, Congress by another Act of April 21, 1806, reduced the minimum acreage to 500 acres.<sup>30</sup>

<sup>27</sup> *Laws of the United States*, III, ch. 343, p. 554 (Act approved March 3, 1803).

<sup>28</sup> *Ibid.*, III, ch. 414, pp. 626-629 (Act approved March 27, 1804).

<sup>29</sup> *Ibid.*, III, ch. 440, p. 652 (Act approved March 2, 1805).

<sup>30</sup> *Ibid.*, IV, ch. 39, p. 50 (Act approved April 21, 1806).



Then, by another Act of March 3, 1811, Section 6, relating to the adjustment of claims for lands in the Territory of Orleans, Congress provided that tracts of lands in said Territory should not be offered for sale until the Register had passed on the claims to land located therein by Major General Lafayette.<sup>31</sup>

The Constitution of the United States, unlike most of the State constitutions, does not restrict Congress in the matter of inserting in an Act subject matter not described in its title. This makes for difficulty in tracing the legislative history of Congressional grants to General Lafayette. These grants to Lafayette are therefore sometimes found in Acts whose titles are strangely incongruous to the subject matter at hand.

In this connection it may well be worth while to digress for a moment in order to comment on the title and subject matter of the law which contains the first Congressional grant to General Lafayette. It may surprise some students of Constitutional law to read of Congress making a grant in aid or support of religion, in the light of Article I of the Bill of Rights forbidding such a practice.

But at the time that Congress so adopted such a law it was constitutional and valid. By an Ordinance of September 3, 1788, Congress noted the fact that, by a previous Ordinance of May 20, 1785, it had ordained that certain towns, viz, Gnadenhutten, Schoenbrun and Salem, should be set aside for Christian Indians; and that all property in said towns be vested in the Moravian Brethren, located at Bethlehem, Pennsylvania, for the purpose of civilizing the Indians, the said community being known as the "United Brethren for Propagating the Gospel among the Heathens;" and the geographer of the United States (Mr. John Melish) was ordered to survey said lands, and convey them to the said Brethren for the purpose aforesaid.<sup>32</sup>

The present Constitution of the United States, at the time of its adoption by the Convention at Philadelphia, on September 17, 1787, did not contain any prohibition against making grants in aid of religion. But at the first session of the First Congress held at New York, beginning on March 4, 1789, in order to gain the support of the States, there was submitted for their ratification *twelve amendments* to the Constitution in the form of Articles, which are popularly known as the "Bill of Rights." As these

<sup>31</sup> *Ibid.*, X, ch. 113, p. 390 (Act approved March 3, 1811).

<sup>32</sup> *Ibid.*, I, 579 (Ordinance of Congress, September 3, 1788).

amendments stand today they are *ten* in number. The first of these amendments is Article I, providing that "Congress shall make no law respecting an establishment of religion, etc." As submitted to the original thirteen States, plus the State of Kentucky, this Article was No. 3 on the list.

But, inasmuch as original Articles I and II relating, respectively, to representation in the House of Representatives, and fixing the mode and manner of varying the compensation of Senators and Representatives were concerned, they failed to obtain the vote of the required number of States, and Article III thereof then became the present Article I. No returns at all on the whole twelve amendments were returned by the States of Massachusetts, Connecticut, Georgia and Kentucky.<sup>33</sup>

When General Lafayette, through his agents, attempted to locate some of his Congressional grants in and around the City of New Orleans he ran into difficulties. First he had to be careful that he located them outside of the area known as the "Commons of the City," which extended for a distance of 600 yards outside of the fortifications thereof, and which had been granted to the City of New Orleans itself by the Act of March 3, 1807.<sup>34</sup> The Commons of the City extended on three sides, and on the North, this line roughly coincided with the present Claiborne Avenue.

The agent of Lafayette, however, did succeed in locating some acreage north of Claiborne Avenue, but the lands so located were not surveyed until the occasion of Lafayette's visit to New Orleans in 1825, and presumably, as a result of a personal inspection of the *locus in quo* by the General himself, for a patent issued to him on July 4, 1825.<sup>35</sup>

The amount of the lands so located approximated 1,520 acres, and formed a parallelogram, being bounded on the East by the Girod Canal, located in Orleans Street, and extending to the West as far as the line of Gravier on Common (Tulane Avenue), and lying roughly between the present Derbigny and Galvez streets. Prior to his death Lafayette sold a half interest in this grant to John Hagan.

Eventually conflicting claims arose, and on March 26, 1852, in the United States Circuit Court at New Orleans, a suit was

<sup>33</sup> *Documents on the Formation of the Union* (House Document No. 398, 69 Cong., 1 Sess.), 1063-1065.

<sup>34</sup> *Laws of the United States*, IV (Act approved March 3, 1807).

<sup>35</sup> *Heirs of Lafayette vs. Kenton*, 18 Howard (59 U. S.), 197.

filed by Charlotte Mathilde DuMottier de Lafayette, wife of Maurice Poivre Bureaux de Pusey, and others, against Mrs. Michaela Leonarda Almonester, wife of Joseph Xavier Celestin Delfau, Baron de Pontalba, separate in bed and board from him by judgment at Senlis, France, February 25, 1836.<sup>36</sup>

On May 15, 1853, Judge Campbell of the United States Circuit Court at New Orleans decided the case against the United States, that is, against the Heirs of Lafayette, and in favor of Mme. Pontalba, on the ground that she had a title emanating in an earlier grant than that of General Lafayette.<sup>37</sup>

There were other cases brought at the same time by the Heirs of Lafayette against other parties at New Orleans, which were likewise decided against the Heirs of Lafayette, which they then appealed to the Supreme Court of the United States, and which affirmed the judgments of the Circuit Court.<sup>38</sup>

In the long list of honors bestowed by a grateful Republic on General Lafayette there was one proposed that was not only unique, but which at first blush might have seemed unconstitutional. But it must be remembered that Lafayette, by his participation in the Revolution, had acquired certain attributes of citizenship which made him not only eligible for receiving from Congress gratuities of lands and money, but actual legal citizenship not only for himself but certain of his descendants. While Congress itself did not in terms confer United States citizenship upon Lafayette, on the other hand, two of the States did confer citizenship on him and his heirs before the formation of the Union. First the State of Maryland, in 1784, by an act containing in its preamble a fulsome recital of the heroic deeds of the General as a participant in the Revolution, and being therefore anxious to perpetuate a name dear to the State, enacted that "the Marquis de la Fayette, and his heirs male forever, shall be . . . deemed, adjudged, and taken to be natural born citizens of this State . . . and entitled to all the rights and privileges as such." This act of State naturalization was closely followed by the great Commonwealth of Virginia, in 1785, when it enacted a similar statute decreeing that "the Marquis de la Fayette be henceforth deemed and considered a citizen," of that State and held to enjoy all the

<sup>36</sup> *Almonester vs. Kenton*, 9 Howard (50 U. S.), 1.

<sup>37</sup> *New Orleans Commercial Bulletin*, May 14, 1853.

<sup>38</sup> *Heirs of Lafayette vs. Kenton*, 18 Howard (59 U. S.), 197.



rights, privileges and immunities thereunto belonging.<sup>39</sup> Under the constitutional concept of dual citizenship, therefore, by acquiring citizenship in these two States, it may reasonably be assumed that Lafayette became a citizen of the United States when the Federal Constitution was adopted in 1789, because between 1776 and 1789, it may be stated that there was nothing in the constitutions of these two States which indicated any restriction on their powers to grant citizenship to an alien whose valorous deeds in their behalf had so richly deserved this unusual honor. Therefore the bestowal of the proposed honor on Lafayette by Jefferson, hereinafter described, must be viewed in this light.

By the Treaty of April 30, 1803, during the Presidency of Thomas Jefferson, the United States had acquired title to the vast Louisiana Territory, actual delivery of which was consummated by the formal proceedings of transfer in the Cabildo, at New Orleans, on December 20, 1803.

Prior to this time President Jefferson had called Congress into special session, and on October 17, 1803, transmitted the Treaty of Cession to Congress with a special message recommending its approval. By an Act of October 31, 1803,<sup>40</sup> the President was authorized to take possession of the Territory ceded by France, and, by Section 2 thereof, all military, civil and judicial powers were to be temporarily exercised by such persons as the President might appoint. On October 31, 1803, the date on which this Act was approved, President Jefferson issued two commissions, one jointly, to James Wilkinson and Wm. C. C. Claiborne, to represent the United States in taking possession of the Territory, and another directed to Claiborne alone, to be temporary Governor of the newly acquired addition to the United States, which was supplemented by a second commission dated November 14, 1803.<sup>41</sup>

A little known fact, however, is that Claiborne was not Jefferson's first choice for the Governorship. And, apparently there was sound reasoning behind his original selection. In a letter dated November 4, 1803, Jefferson had written, in part, to Lafayette, as follows:

I should have been most sincerely happy had you been here in order that we could have claimed your services as Governor of Louisiana. Circumstances demanded that he

<sup>39</sup> *Laws of Maryland*, II (1784), ch. 12; *Acts of the General Assembly of the Commonwealth of Virginia*, 1785, ch. V, p. 8.

<sup>40</sup> *U. S. Statutes at Large*, II, 241 (Act approved October 31, 1803).

<sup>41</sup> Clarence E. Carter, ed., *Territorial Papers of the United States*, IX (*Territory of Orleans, 1803-1812*), 143-144.

who should be nominated to this post should take charge immediately. . . .<sup>42</sup>

To this signal evidence of Jefferson's regard for the Revolutionary Veteran, Lafayette replied, as follows:

LaGrange, Feb. 26, 1804.

My Dear Friend:

I thank you for your kind regrets that I was not on the spot to be able to be honored as your choice for Governor of Louisiana. With the warm interest that I have for the growth of American liberty, I should have been particularly happy living among these people of French origin, but the design is completed whereby brothers-by-adoption shall understand each other, and assure their posterity of the honor and advantage of such an association.

Your letter of October 17th [To Congress submitting the Treaty of Cession for approval], which contained the message is a noble witness to the benefits procured by a good constitution and a patriotic, as well as enlightened government. My heart is comforted to hear this expression, to be a witness to these results, and it is not without deep emotion that I read the last word,—the signature of my friend.

Each day my fracture grows better. I hope the healing will be perfect. My wife wishes to be affectionately recalled to your thoughts; we live as a family group at LaGrange with our children and three grandchildren.

I offer my affectionate regards to our dear Madison, and renewed assurances of my gratitude to Mr. Gallatin.

Lafayette.<sup>43</sup>

On the morning of September 7, 1825, came the day for the departure of Lafayette from the land of the young Republic he had fought so gallantly to found. It was a momentous occasion when Lafayette took his final leave of President John Quincy Adams at the White House, where, surrounded by a numerous company, he was to take his leave of a land he would see no more. Detained, as if by an irresistible hand, Lafayette could not force himself to separate from his friends. At length the first of 24 guns announced his departure, and he embraced President Adams for the last time to go aboard the *Brandywine*, a newly commissioned vessel of war of the United States. As Lafayette passed down the Potomac he came in sight of Mt. Vernon, the home and last resting place of his great and good friend, Washington, and his heart became oppressed as he felt the greatness of the sacrifice he was making in leaving for the last time the well-beloved shores of America!

<sup>42</sup> Lafayette, *Memoires, Correspondence et Manuscrits du General Lafayette*, V, 255.

<sup>43</sup> *Ibid.*

Although it is now 120 years since General Lafayette trod the soil of this country, there has ever remained fragrant and ever-green the memory of a well beloved French patriot who was truly American!

In the center of the sidewalk, at the corner of Crawford and High streets, in Portsmouth, Virginia, is a time-worn tablet of marble, on which can yet be dimly discerned the inscription: "Commemorating the visit of Lafayette, October 25, 1824." Strangely enough, however, though the visit of Lafayette to New Orleans was a momentous and memorable occasion in its magnificent history, there seems to have been no steps ever taken to commemorate, in some tangible form, the visit of one of the most notable of the long line of distinguished visitors who have made history by the records of their sojourns among the people of this hospitable metropolis.

True enough, we have a public plaza in the heart of the Faubourg St. Marie, originally dedicated to the people of New Orleans by Bertrand Gravier,<sup>44</sup> and a public street, in the immediate vicinity, both of which bear the distinguished name of Lafayette, yet the most diligent research fails to disclose the fact that, officially, Lafayette Square, and Lafayette Street, were ever named to recall the visit of this well-beloved French patriot of the American Revolution. Nor, apparently, does there seem to have been any marker placed in the Cabildo which recalls the fact that he once resided there, as in his "home," as the early newspapers quaintly put it.

There is, however, one fragile, poetic memento remaining which appeared at the time of his visit, and which serves to recall the story of Lafayette's visit amongst us, in the form of an "Ode to Lafayette," by an unknown "American," the final stanza of which, translated, reads:

Lafayette, on thy visit,  
Our citizens hasten to offer  
The respect and homage  
Which all owe to thy Virtues!  
May God, in His wisdom,  
Give thee an age  
Equal to that of Nestor!  
But to proclaim to all, and say  
How thy visage inspires us  
I should need the voice of Stentor!<sup>45</sup>

<sup>44</sup> Francis P. Burns, "The Graviere and the Faubourg Ste. Marie," in *Louisiana Historical Quarterly*, XXII (1939), 385-427, *passim*.

<sup>45</sup> *Louisiana Gazette*, April 14, 1825.



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## GENERAL BENJAMIN F. BUTLER AND THE WIDOW MUMFORD

By LOUIS TAYLOR MERRILL

### I

Farragut's fleet had swept up the Mississippi in late April, 1862, past Forts St. Philip and Jackson, and New Orleans was helpless before her Union conquerors. The fleet commander sent Captain Theodorus Bailey, his second in command, to demand that in token of surrender the civil authorities raise the Stars and Stripes over the customhouse, the mint, the post office and the city hall. Defiantly came the reply of Mayor John T. Monroe refusing to perform this act of humiliation. The captors would have to hoist their own flags.

Over the mint rose the Union flag, hauled aloft by sailors from the war sloop *Pensacola*.<sup>1</sup> No guard was left to keep the banner flying, but according to Parton, the commander of the shore party, before they returned to their ship, warned bystanders that the *Pensacola* would open fire if anyone should tamper with the emblem of victory.<sup>2</sup> Howitzers in her maintop, loaded with grape, were trained threatenly on the flagstaff.

On Sunday morning, April 27, crews of all the ships were assembled on deck for religious services, "to render thanks," as the order ran, "to Almighty God for His great goodness and mercy in permitting us to pass through the events of the last two days with so little loss of life and blood."<sup>3</sup> Clouds overhead threatened rain. So wafers by which the guns were discharged had been removed. Only the howitzers in the *Pensacola's* maintop were in firing order, with a lookout man holding the strings.

Suddenly the prayers on deck were interrupted by discharge of the howitzers. At the signal, the *Pensacola's* crew rushed to

<sup>1</sup> Editors of the Century's *Battles and Leaders of the Civil War* series resolve conflicting accounts as to the time of raising the first flag on the mint with the conclusion that it went up on Saturday, April 26. Confusion evidently resulted from the fact that after Mumford tore it down, on April 27, a second flag was ordered up that day. Although James Parton seems to be in error in giving April 27 as the day the flag was first raised, Marion A. Baker, secretary to the mayor of New Orleans, appears to have erred in saying that Mumford tore it down on Saturday instead of Sunday. See accounts of Captain Albert Kautz and Baker, *Battles and Leaders of the Civil War*, edited by Robert Underwood Johnson and Clarence Clough Buel (New York, 1887), II, 92-93, 96, and editors' note, 96. Besides these accounts and Parton's, Butler gives a highly dramatized version of Mumford's exploit in the argument he made before the Supreme Court in the Milligan case, reprinted as a pamphlet: Benjamin F. Butler, *Argument in Behalf of the Government in the Case of Lambdin P. Milligan and Others, Petitioners for a Writ of Habeas Corpus Before the Supreme Court of the United States at Washington, D. C., December Term, 1865* (Lowell, 1866), 61-69.

<sup>2</sup> James Parton, *General Butler in New Orleans* (New York, 1864), 274.

<sup>3</sup> *Ibid.*, 275.



quarters, grabbing lanyards of the broadside guns. But they could not be discharged; the primings had been removed because of impending rain. A threatened bombardment did not materialize.

Undeterred by the few shots that spattered around them harmlessly, four men who had been seen to mount the roof of the mint carried out their bold act of hauling down the flag. Next morning the New Orleans *Picayune* exultantly hailed their "patriotic act," and published their names, including that of the luckless William B. Mumford as the one who had cut the flag loose "from the flag-staff amid the shower of grape." Mumford and his friends had acted "gallantly," the *Picayune* declared.<sup>4</sup>

Rashly they acted, too, in trailing the flag in the mud, parading it around the city with defiant fife and drum, and finally tearing it to shreds to be distributed as souvenirs. Mumford rashly wore a piece of the tattered emblem in his buttonhole as he went about for some days thereafter accepting congratulations of friends and admirers.

Farragut threatened dire consequences. "The fire of this fleet may be drawn upon the city at any moment," he warned the mayor.<sup>5</sup> The fire of General Benjamin F. Butler's wrath was not yet there to be drawn. He did not arrive, to take up his military headquarters in the deserted St. Charles Hotel, till May 1. Butler stepped ashore while the band played "Yankee Doodle." He would have had the band play "Picayune Butler Comes to Town," a song derisively composed for his benefit, says his faithful Boswell, Parton, but his bandmaster did not know the tune. As Butler had almost no ear for music, one tune served as well as another, and he had a hard time keeping step.<sup>6</sup> But his ear was acute enough in picking up reports of mischief, his strabismic optics keen in ferreting out offenders, his hand and resolution firm in executing punishment.

"I will make an example of that fellow by hanging him," he declared when Farragut told him of Mumford's act. Farragut smiled and remarked: "You know, general, you will have to catch him before you can hang him." "I know that," rejoined Butler, "but I will catch him, and then hang him."<sup>7</sup>

<sup>4</sup> *Ibid.*

<sup>5</sup> Farragut to Mayor John T. Monroe, April 28, 1862. Loyall Farragut, *The Life of David Glasgow Farragut* (New York, 1879), 238. <sup>6</sup>

<sup>6</sup> Parton, *General Butler in New Orleans*, 279-281.

<sup>7</sup> Albert Kautz, "Incidents of the Occupation of New Orleans," *Battles and Leaders of the Civil War*, edited by Robert Underwood Johnson and Clarence Clough Buel (New York, 1887), II, 93.

To catch him was not difficult. The foolhardy Mumford, still parading the shred of the domplished flag as a butonniere, venturing with his cronies even into the neighborhood of Butler's headquarters, soon found himself in jail. Tried by court-martial, he was convicted and sentenced "to be hanged by the neck until dead, at or near the mint in the said City of New Orleans." Butler approved execution of the sentence to take place on June 7.<sup>8</sup>

But who supposed it would actually be carried out? Not Mumford nor his friends, who thought this was just one of "Picayune" Butler's bluffs and that an eleventh-hour reprieve would come.

Ben Butler was not bluffing. To carry out his determination to make an example of the flag desecrator, guilty in his opinion of treason, he had to override the clemency pleas of leading New Orleans citizens, some Union men, and of his wife who had ridden to New Orleans with him in triumph on the quarter-deck of the ship that brought him.

To pleas for mercy were added anonymous threats of assassination. Almost daily, Mrs. Butler wrote, he received letters warning "that he will be poisoned or assassinated, and that leagues are formed, sworn to accomplish it."<sup>9</sup> "I frankly admit that I was frightened myself," the general confesses in his autobiography.<sup>10</sup>

The final ordeal was a painful interview with the doomed man's wife. The weeping Mrs. Mumford brought her children to make an affecting plea for clemency. The general was firm but not coarsely rough in this trying scene. Later Butler indignantly denied "that they begged me in the name of Jesus Christ to spare their father, and that I answered that I was the only Jesus Christ in New Orleans and that they need not call upon him."<sup>11</sup>

"I told her," Butler relates, "that my decision was irrevocable. She was a northern lady by birth. I told her further that I regretted the effect of my action upon herself and family, and that if in the heareafter I could do anything to alleviate her great misfortune, she might call upon me as a friend [a pledge he

<sup>8</sup> Record of the court-martial in *Private and Official Correspondence of Benjamin F. Butler During the Period of the Civil War*, edited by Jessie Ames Marshall (Norwood, Mass., 1917), I, 482-483.

<sup>9</sup> Mrs. Butler to Mrs. Harriet Heard, May 15, 1862, *ibid.*, I, 487.

<sup>10</sup> Benjamin F. Butler, *Butler's Book: Autobiography and Personal Reminiscences* (Boston, 1892), 440.

<sup>11</sup> Butler interview in *New York Sun*, September 14, 1884.

later was called upon to redeem]. The best thing she could do for her husband then, was to go to her husband and assure him that his sentence was irrevocable, and I would give her an order to be admitted to his presence, to stay with him as long as she liked, up to the time of his execution; and directed my orderly to take her and her children in my carriage to the place of his confinement."<sup>12</sup>

The strange testimony of Mrs. Mumford is that "he [Butler] was forgiven by me and my children almost before the deed was finished. 'May God forgive him for he knows not what he has done.' Shall I tell you," she continued, writing to a cousin in Massachusetts, "what my noble husband said just before I went in to see General Butler? William said, 'There is no use, Mary, General Butler will not spare me, he has been made to believe I am a Plebian by the Union men of this city and he thinks he must *hang me for an example* in order to put down this rebellion.' My noble husband went to the scaffold with no bitterness in his heart toward anyone and if he could forgive I surely can do the same."<sup>13</sup>

To almost the end, however, Mumford's friends thought Butler's bluff would not be carried through, and a last-minute reprieve might come even as this "rather fine-looking man, tall, black-bearded,"<sup>14</sup> aged only forty-two, stood on the scaffold erected in front of the mint where his brash act had been committed. Butler records:<sup>15</sup>

The place was almost in sight of my office. Mumford was permitted to stand upon the scaffold and make a speech as long as he chose. In it he claimed that he was impelled by the highest patriotism. A swearing, whisky-drinking mob assembled below him, their bottles and pistols sticking out from their pockets when not in their hands. They kept declaring to each other that Mumford was not to be hanged, and that this was only a scare on the part of old Butler, and threatened what the people would do if he was hanged. The street was quite full of them, almost to my office. At the last of it they got quite uneasy, the eyes of Mumford being lifted up the street to see if some staff officer did not come riding down, bearing the order of reprieve.

<sup>12</sup> Butler to Lanier Dunn, Warm Springs, Va., June 24, 1887, in Butler MS. in Library of Congress. Butler, in 1863, after being relieved from command at New Orleans, told Colonel Alexander K. McClure "how keenly he sympathized with her, who seemed to be a woman of intelligence and a devoted wife and mother, and he repeated the desire that he might some day be able to render her some service." McClure, "My Recollections of General Benjamin F. Butler," *World Events Magazine*, April, 1907, p. 31.

<sup>13</sup> Mrs. Mary Mumford to Mrs. C. S. Currier ("Cousin Carrie"), June 26, 1870, in Butler MS.

<sup>14</sup> Parton, *General Butler in New Orleans*, 346.

<sup>15</sup> Butler's Book, 442.



Mumford made a dignified end. A Union soldier present at the execution recounts:<sup>16</sup>

When the hour arrived citizens came by tens of thousands. My regiment was at the cotton press and we were ordered out for duty. We formed on three sides of the building. When Mumford was brought out he sat on his coffin. It was only a plain board box. He seemed to be completely unconcerned, although he occasionally cast anxious looks into the crowd as if he expected them to come to his rescue. I do not think that he regarded it serious even when an officer adjusted the noose around his neck and the drums began to beat. . . . He acted in a brave manner, as far as I could see. The next moment the drop fell, and that was the end of Mumford. It required nerve in Butler to do it; but it ended all opposition on the part of the people.

Or did it? A cry of execration swept the South. "The noble heroism of patriot Mumford has placed his name high on our list of martyred sons," proclaimed the Confederate governor of Louisiana.<sup>17</sup> President Jefferson Davis made the incident the occasion for his proclamation declaring "the said Benjamin F. Butler to be a felon, deserving of capital punishment . . . an outlaw and a common enemy of mankind," and ordering that "in the event of his capture, the officer in command of the capturing force . . . cause him to be immediately executed by hanging."<sup>18</sup>

"Picayune Butler," demanded the *Charleston Mercury*, "should receive no quarter if captured. Let this be the sworn resolve of every southern man. If he is caught hang him. If not caught, let poison or the knife do its work."<sup>19</sup>

F. S. Blount, a Mobile attorney, wrote Confederate Attorney General Thomas H. Watts at Richmond, proposing that President Davis make a formal demand on President Lincoln to turn General Butler over to the Confederate government to be tried for murder, and if Lincoln did not comply, let Union Major General G. A. McCall, then a prisoner of war, be hanged forthwith in retaliation. "The delivery of Butler or the hanging of McCall," Blount thought, "would strike terror and consternation

<sup>16</sup> Reminiscences of John B. Wise, of the 30th Massachusetts Regiment, in Lewiston, Maine, *Journal*, May 5, 1900.

<sup>17</sup> Address of Governor Thomas O. Moore to the Citizens of Louisiana, Opelousas, La., June 18, 1862. *Butler Correspondence*, II, 22.

<sup>18</sup> James D. Richardson, ed., *Compilation of the Messages and Papers of the Confederacy* (Nashville, 1905), I, 269-274.

<sup>19</sup> *Charleston Mercury*, quoted in *New York Tribune*, June 14, 1862.

throughout the northern population."<sup>20</sup> Watts, in submitting this idea to Davis, wrote that it "no doubt reflects fully the sentiment of the whole people for retaliation due to the base murder of Mumford."<sup>21</sup> It was "murder," concurred Secretary of War George Randolph, because "the enemy were not yet in possession of the city" when Mumford hauled down the flag.<sup>22</sup>

Others were similarly aroused. A correspondent signing himself "Brutus" wrote the Jackson *Mississippian* suggesting that a reward of \$10,000 be offered for the head of Butler or to anyone who would take his life "by any means whatsoever."<sup>23</sup> A similar reward was offered by a Charleston, South Carolina, citizen.<sup>24</sup>

"Come to England, you dark, wicked villain," challenged an anonymous critic in England, reacting to sharp criticism of Butler in the British press. "Land in any part of Europe, and you would be torn to pieces by the people, you wicked wretch."<sup>25</sup>

Reflecting the official view at New Orleans, the *Delta* (this was the work of a "black-hearted scribbler," said the Hannibal, Missouri, *Herald*)<sup>26</sup> declared:<sup>27</sup>

There could be no reprieve from the execution of a sentence so just; and forever after so long as time shall continue and the good old national flag floats over the Union—as float it will long after the present race of traitors are dead and buried—let him who would violently lay hands upon it to haul it down count well the cost by remembering the fate of Mumford; and lest by your neglect, citizens of New Orleans, some of your children may come to the same bad end teach them that hauling down the American flag is an act of treason synonymous with death.

At the North Butler's course was sustained officially and by leading journals. He held New Orleans "like a nut in his hands" and his rule was admirable, declared *Harper's Weekly*.<sup>28</sup> And

<sup>20</sup> Blount to Watts, July 8, 1862, *War of the Rebellion: Compilation of Official Records of Union and Confederate Armies* (Washington, 1880-1901), Series II, Vol. IV, pp. 804-805.

<sup>21</sup> Watts to Davis, July 15, 1862, *ibid.*, 806.

<sup>22</sup> Randolph to General Robert E. Lee, June 29, 1862, *ibid.*, 793.

<sup>23</sup> *New York Tribune*, June 14, 1862.

<sup>24</sup> Richard Yeadon, January 1, 1863, in *Butler Correspondence*, II, 562. Colonel James B. Richardson, commander of a battery of Confederate artillery, said the troops of his outfit swore they would make short work of Butler if they caught him, and one day on the Richmond turnpike between Richmond and Petersburg, "I was ordered by President Davis, who was present, to storm an old gable-roofed house that stood just off the road. . . . One ball went through it, and shortly after when we occupied it, we ascertained from its sole occupant, a lady, that General Butler and his staff had vacated the place as soon as the firing began."—New Orleans correspondence of *Boston Globe*, January 12, 1893.

<sup>25</sup> Anonymous letter, undated, ca. July, 1862, in *Butler Correspondence*, II, 75.

<sup>26</sup> *Hannibal Herald*, June 10, 1862.

<sup>27</sup> Quoted in *Official Records*, Series II, Vol. IV, p. 135.

<sup>28</sup> *Harper's Weekly*, December 2, 1862.

Wendell Phillips told the annual meeting of the Massachusetts Anti-Slavery Society:<sup>29</sup>

If I were he [Butler] and were to die soon, I would have a tombstone inscribed, "I was the only major general of the United States that ever hung a traitor; that ever, by the boldness of my action, and the method of the death, told the world it was a government struggling with rebels, with right and purpose to put them beneath the laws, at any cost."

Others, years after the event, threatened to put Butler under a tombstone without the Wendell Phillips epitaph. An anonymous New Orleans citizen signing himself "K" wrote Butler on April 9, 1872:<sup>30</sup>

Sir:

You murdered Mumford. You remember it do you not? You have lived long enough to expiate that great crime. We have worked & worked and have attained what we wished to get our revenge.

On the 13th day of September AD—1872—you will die.

## II

By that time the Widow Mumford was occupying a government clerkship as a Butler protégé and addressing him as "Kind friend!" She had not forgotten his promises, given in the last harrowing interview in 1862, to aid her if need arose, but did not directly press her claims upon him. Instead, she made the overtures through a Massachusetts cousin, Mrs. Carrie Currier, who wrote Butler, then a member of Congress, concerning the widow's destitute circumstances.<sup>31</sup>

New Orleans citizens during the war had raised a subscription for Mrs. Mumford and her children. The sum was invested to build a home for her in Wytheville, Virginia, with a surrounding plot of two acres. Butler was apprised that she was in debt, with a mechanic's lien on the uncompleted home. To Colonel Thomas Tabb, of Hampton, Virginia, who had been a Confederate officer and with whom he had relations as a lawyer, Butler says he sent instructions, which were carried out, to discharge the outstanding debts at his expense and clear Mrs. Mumford's title to the place. Butler says he announced this to the widow

<sup>29</sup> *Liberator*, February 13, 1863.

<sup>30</sup> Original in Butler MS.

<sup>31</sup> Butler in his autobiography says this appeal came to him from a Malden, Mass., woman in 1869, but the correspondence, in the Butler MS., indicates that "Cousin Carrie" sent her intercessions from Melrose, Mass., and her first letter is dated February 11, 1870.



when she visited his office, and made an offer to find her government employment.<sup>32</sup>

The correspondence from Mrs. Currier, however, would indicate that at first the widow was not to be made aware of Butler's aid.<sup>33</sup> On June 26, 1870, Mrs. Mumford, from Washington, was writing "Cousin Carrie" the surprising letter concerning how she and Mumford had forgiven the general "almost before the deed was finished." She received a clerkship in the Internal Revenue Bureau at Butler's instance, and wondered, to "Cousin Carrie," whether Butler would loan her \$150 to pay a debt. Mrs. Currier wrote Butler asking his permission to disclose to the widow the identity of her benefactor—if, as the inferential evidence suggests, she had not already done so without his permission.<sup>34</sup>

Butler's part of the correspondence is not discoverable, for copies of his replies that he dictated to his secretary are not available in his letter file in the Library of Congress, the only clue to such replies being references, by number, to stenographic notes not preserved. But his reply to "Cousin Carrie" must have been favorable, for four days later Mrs. Mumford directly address him, announcing that she was in Washington, "through the influence of a noble cousin of mine in Massachusetts, Mrs. Carrie Currier, and the unbounded goodness of an unknown friend." Major Harry McDonald, provost marshal in Wytheville, she wrote, had told her at the end of the war that he would ask the assistance of Butler if she would approve such an overture. At that time she refused. But "something has occurred of recent date that urges me to seek a friend. I have concluded to call on you in person if it is convenient for you to see me, tell you my story, consult you as a lawyer, and ask for that assistance I so much need."<sup>35</sup>

This note evidently brought the widow and the general face to face for the first time since her last pitiful audience in New Orleans. For the next twelve years from time to time her letters thanking him for his aid and asking promotions or retention in her government employment appear in the Butler correspondence, usually addressed to him as "Kind Sir" or "Kind Friend."

<sup>32</sup> *Butler's Book*, 444-445.

<sup>33</sup> Mrs. Currier wrote Butler, May 20, 1870, thanking him for aid in getting Mrs. Mumford some kind of government job and assured him of her cooperation not to let Mrs. Mumford know who was "the friend" who got her the aid.

<sup>34</sup> Mrs. Mary Mumford to Mrs. Currier, June 26, 1870; Mrs. Currier to Butler, July 3, 1870, in Butler MS.

<sup>35</sup> Mrs. Mumford to Butler, July 7, 1870, in *ibid.*

Acknowledging a check for \$75, she wrote, January 10, 1871: "Had I your powers of language I might thank you in a proper manner, as it is you will accept my simple thanks and believe me very grateful."<sup>36</sup>

Later that year, Thomas J. Durant, who had been a Unionist at New Orleans, wrote at Mrs. Mumford's request soliciting a promotion for her. He reported she had been employed in the copying room of the Bureau of Internal Revenue, "where I understand by her punctuality, assiduity and general good deportment she has given great satisfaction."<sup>37</sup>

After a silence of two and a half years, the widow appealed to Butler again:<sup>38</sup>

I have often thought of calling on you, that I might explain my silence as regards your kindness, but I have been afraid that I might trespass upon your time. One thing I must say in my behalf unless the dark clouds show their silver linings, I can never pay my debts.

Two and a half years later, she wrote him of dismissal from her clerkship in the Internal Revenue Bureau:<sup>39</sup>

Having heard that you were the unknown friend that appointed me as a \$900 clerk in the Internal Revenue, I take the liberty to ask you in charity to still extend your kindness to me and have me reinstated at once in the Secretary's Office, on the temporary list as \$60,000 has been appropriated for the purpose. This dismissal causes great distress and sorrow in my family. I have no support, without my salary will be penniless.

Butler's reply evidently was encouraging, for a fortnight later she wrote him: "Kind Sir: I have just received your kind and hopeful letter. You will accept my grateful thanks, also the thanks of my children."<sup>40</sup>

Butler blamed the loss of her clerkship to the "reform" administration of Mr. Hayes,<sup>41</sup> though the Hayes administration, with which the Massachusetts congressman was at outs, did not officially take office till March 5, 1877. Two weeks before Hayes came to the White House, the widow was reminding Butler that her plight was still precarious:<sup>42</sup>

<sup>36</sup> Mrs. Mumford to Butler, January 10, 1871, in *ibid.*

<sup>37</sup> Durant to Butler, September 7, 1871, in *ibid.*

<sup>38</sup> Mrs. Mumford to Butler, March 4, 1874, in *ibid.*

<sup>39</sup> Mrs. Mumford to Butler, September 1, 1876, in *ibid.*

<sup>40</sup> Mrs. Mumford to Butler, September 12, 1876, in *ibid.*

<sup>41</sup> *Butler's Book*, 446.

<sup>42</sup> Mrs. Mumford to Butler, February 19, 1877, in Butler MS.

Kind Sir: It is now three weeks since I was in your office. I am very sorry to trouble you so much, but this delay makes me every week deeper in debt. I am really sick with anxiety. "Hope springs eternal in the human breast," and I still look to you for refuge; when may I hope to hear something definite?

Again, on March 9, she reminded him that her appointment had not been confirmed. Butler was trying to get her placed in the Treasury Department, but he had little patronage influence with the Hayes administration. "Kind friend," urged Mrs. Mumford in July, there was a hitch about getting the treasury clerkship she wanted:<sup>43</sup>

I have thought of trespassing on your kindness farther by asking you to loan me money enough to pay debts and go home, the amount \$800. . . . Knowing you to be kind and generous, I hope you will grant me this favor, and make me the happiest woman alive.

Presently the clouds cleared. She got a clerkship at \$900, acknowledging it in early August:<sup>44</sup>

Kind Friend—I am perfectly delighted to think that you should have succeeded for me, at the same time so grateful that it is useless for me to try to express myself here. . . . Now that I am under your charge you will watch over me and see that I am not neglected, you know that there are "lots" of busy bodies about.

Butler says he had shopped around in vain at the Treasury, Interior and Agriculture departments trying to get her a place:<sup>45</sup>

I found it utterly impossible until I visited a "rebel brigadier," General Key, then Postmaster-General, and told him the story. He gave her a clerkship in his department and there she remained as long as she chose to stay in office, so far as I know. I saw the boys from time to time. They called to see me with their mother and they seemed to be very gentlemanly and bright.

Butler's memory may have had its lapses here, in writing his autobiography in 1891, two years before he died. What Mrs. Mumford thanked him for in the summer of 1877 appears to have been a clerkship in the Treasury Department. A year later we find her thanking her "kind friend" for appointment to a clerkship in General Key's department, in the dead letter division.<sup>46</sup>

<sup>43</sup> Mrs. Mumford to Butler, July 24, 1877, in *ibid.*

<sup>44</sup> Mrs. Mumford to Butler, August 5, 1877, in *ibid.*

<sup>45</sup> *Butler's Book*, 446.

<sup>46</sup> Mrs. Mumford to Butler, September 3, 1878, in Butler MS.



As she shuffled dead letters, Mrs. Mumford was to write one more live one to the general. On April 18, 1881, she importuned Butler to intercede to get her promoted from a \$600 to a \$900 postal clerkship, as she had an invalid daughter to support. She thought Postmaster General Key had not advanced her because Butler had "denounced his manner of suppressing frauds through the post office."<sup>47</sup>

He replied to her on April 24, 1881, the stenographic record shows, but the nature of his reply is conjectural. By that time Butler had been out of Congress two years and had no influence with the new Garfield administration, as he had switched his affiliation back to the Democratic party, voting for General Winfield S. Hancock in his 1880 election contest against Garfield. So the widow's appeals and correspondence ended with her final letter in 1881.

### III

What was really in her mind? What lay back of the succession of appeals and expressions of gratitude to her "kind friend" and "kind sir?" Was there no sense of humiliation, no bitterness in being dependent for her employment and the discharge of some of her debts upon the general who had caused her husband's death? True, she wrote that she and her family had forgiven him, but that missive was indited, possibly, with the thought that it would fall under Butler's eye at a time when she was in dire need of assistance.

For his part, the record shows his having given assistance in response to many deserving appeals for aid, in Washington, and in his home city of Lowell, where some of his acts won him the enduring gratitude of poor folk among the Irish mill population; none, however, making so direct a plea to his conscience or for the redemption of such a pledge given at the hour of the anxious wife's greatest distress as her husband was about to be marched to the gallows. So far as having any later contrition or remorse for his official act in the execution of Mumford, there is no evidence that Butler ever admitted error in his course, though he confesses to the stress and tension that bore upon him at the hour of his decision.<sup>48</sup>

<sup>47</sup> Mrs. Mumford to Butler, April 18, 1881, in *ibid.*

<sup>48</sup> *Butler's Book*, 440.

It is evident that Mumford's sons, or one of them at least, did not share their mother's gratitude, real or expressed, as they grew to manhood. To a correspondent who asked him regarding facts in the case, Butler wrote in 1887:<sup>49</sup>

I saw in the Southern newspapers not infrequently, that she [Mrs. Mumford] was bringing up her children and instructing them in a vendetta against me. Indeed, it went so far that when I was at the Chicago [Democratic] convention in '84, it was published in Chicago that there was a son of Mumford's en route from some western territory to kill me, in revenge for his father's death, and I was advised by some friends to let no strange man get near me. I told them that if I lived until some one of Mrs. Mumford's children killed me, I should reach a ripe old age, and laughed at that foolishness, as I have had occasion to laugh at other newspaper nonsense.

Inured though Butler was to repeated threats of assassination and revenge, emptying on him vials of vituperation, and usually proceeding from anonymous writers, an associate who campaigned with him in 1884 said the general at that time carried a pistol and explained he did so to protect himself from threatened assassination by a connection of Mumford's.<sup>50</sup>

The newspaper account coming to Butler's attention at the Chicago convention possibly was a Kansas City dispatch recounting that W. B. Mumford, Jr., then twenty-nine years old, planned to avenge his father's death. He expected to be in Chicago during the convention, but his wife's illness deterred him. He told a Kansas City *Star* reporter he would certainly kill Butler if he ran for president, and declared a plan had been formed to kidnap Butler and carry him away if he could be caught on Southern soil. Mumford would try to reach Chicago before the convention adjourned, he threatened; but friends would try to keep him in Kansas City, ran the account. "Mumford has brooded over this matter until he is a monomaniac on the subject."

His mother, hearing of his wild scheme, was "much distressed." She was reported as having declared in an interview, July 7:<sup>51</sup>

I have never trained my sons to hate Ben Butler. I never spoke to them of the sad tragedy of 1862. [How could she have refrained from doing so?] William has been worked

<sup>49</sup> Butler to Lanier Dunn, Warm Springs, Va., June 24, 1887, in Butler MS.

<sup>50</sup> Thomas F. Grady, interview in *Pittsburg Times*, September 8, 1902.

<sup>51</sup> Kansas City dispatch to *Chicago Tribune*, July 8, 1884.

upon by other parties. I believe that vengeance belongs to God. I am glad I discovered William's wild scheme to kill Butler, and I will prevent it if I can. I never eductaed my sons to become murderers. There is no danger that Butler ever will become president of these United States.

True enough was her last prophecy, for his bizarre presidential campaign as a third party candidate in 1884, though it stirred up the dust, ended in fiasco, attracting only 175,000 votes, most of which, however, otherwise probably would have gone to Grover Cleveland in the close Cleveland-Blaine election.<sup>52</sup>

After recounting to his correspondent, Lanier Dunn, his procurement of a government clerkship for Mrs. Mumford and his efforts to keep her in it, Butler says she dropped out of his ken, and he heard nothing more of her till her death. He added:<sup>53</sup>

I may be permitted to say further that there is a great change of feeling apparently come over the southern people in regard to my being justified in the execution of Mumford for hauling down the American flag, because I saw a letter of Gov. Fitzhugh Lee, when speaking of the return of the Confederate flags proposed by the President [Cleveland] in which he winds up by saying, "If any man hauls down the American flag let him be shot on the spot."

This, perhaps, was wishful thinking, for when the old general died in 1893 southern press comment was hardly unanimously eulogistic.<sup>54</sup> "He has gone where it is not in his power to order hanged Southern gentlemen for alleged treason against Butlerism," exulted the *Nashville American*. "Goodbye, Ben!" the editor climaxed a luridly abusive valedictory, "you strutted through a temporal triumph; now rest if you can in the brimstone glare of Hell fire."<sup>55</sup> But this, commented a New Orleans paper, was the "frothing" of a "low blackguardism . . . idiotic and disgusting." In Butler's death, the New Orleans editor said, the bitterness of the war should be allowed "to go with him."<sup>56</sup>

Did his more unforgiving critics know that in a Memorial Day address at New York City in 1884, with President Chester A. Arthur, Generals Hancock, Sickles, and other military and civic dignitaries on the platform, Butler spoke of "the halo of

<sup>52</sup> Allan Nevins, *Grover Cleveland: A Study in Courage* (New York, 1932), 188.

<sup>53</sup> Butler to Dunn, June 24, 1887, in Butler MS.

<sup>54</sup> "If the remarks of all the Southern papers on this subject could be reduced, chemically, the result would be a ten acre reservoir of vitriol," commented the *Brooklyn Eagle*, January 23, 1893.

<sup>55</sup> *Nashville American*, January 13, 1893.

<sup>56</sup> *New Orleans States*, February 8, 1893.



glory" earned by "the courage, the hardihood and endurance of those who fought . . . on both sides?"<sup>57</sup>

Let us not be unjust. Our dead, could they speak, would say, if only in the hollow tones of the tomb, yet with the earnest language of the soldier and patriot: "Not to us alone does our country owe her high military renown." The time has now come when all should remember that all the valor, the constancy, the daring, the high abilities as soldiers you attribute to us, could not have been so displayed as to give our country this lofty place among the nations of the earth if we had not met foemen equally brave, equally constant, equally hardy, who for four years opposed us in arms. They, too, were Americans.

Three years later, on the eve of the "billion dollar Congress," in proposing a service pension policy for all Union veterans, Butler reminded his Boston hearers that the treasury surplus of \$600,000,000 partly belonged to the South, representing Southern tax contributions, too. After the Union veterans had got their pensions, give the remainder to the Confederate veterans, he urged.<sup>58</sup>

In some ways the old general's mind had mellowed and his heart softened towards those he was formerly wont to denounce as "rebels" and "traitors."

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<sup>57</sup> *New York Tribune*, May 31, 1884.

<sup>58</sup> Remarks of Butler at the Butler Club, Boston, September 1, 1887, *Boston Post*, September 2, 1887.

## ✓ "DE BOW'S REVIEW" AFTER THE CIVIL WAR\*

By OTTIS C. SKIPPER

Though De Bow had yielded to the exigencies of the war in suspending his journal after issuing the July-August number of 1864, he seems to have entertained no other intention than to resume publication as soon as he could command "the means and machinery." Accordingly, he announced on August 14, 1865, that he would re-establish his monthly as soon as possible. But his enterprise had been so thoroughly wrecked, and he, his collaborators, and clientele had been so completely shaken that Herculean difficulties and embarrassments stood in his way.

Probably bidding for sympathy, De Bow claimed that his losses "in papers, manuscripts, books," and contacts were great. Though Joseph Mussina, a friend in New Orleans, had assumed charge of his "valuable library" in October, 1860, neither the custodian's intention to ship it to Liverpool in case the enemy threatened, nor the owner's desire that it be sent to his wife prevailed. Unfortunately, the "Books, etc." fell into the hands of one Le Blanc who buried them and left for parts undisclosed. When they were disinterred, their new keeper, Colonel Charles Baskerville, formerly of the Produce Loan office in Mississippi, reported to De Bow on August 15, 1865, that they were "in a state of *decomposition* from wet weather." Writing his brother a few months later, however, De Bow stated that all his "books, papers, furniture, etc. . . . [were] safe and as far as . . . [he had] yet seen in good condition." Three weeks later he repeated that those properties were "safe and secured." Consequently, Frank must have been substantially correct when he congratulated his brother on finding all of his books in good condition in New Orleans.<sup>1</sup>

De Bow's private interests demanded considerable attention. Though he thanked God that he still had a fair property left and believed that with ordinary luck he could recover again, his business affairs generally were in a confused state. The government had seized some of his cotton, and some remained to be

\* For the opportunity to prepare this paper the writer is indebted to President Joe Farrar and the Committee on Research of Northwestern State College of Louisiana.

<sup>1</sup> P. Hawes to De Bow, October 27, 1860; Thomas J. Beck to De Bow, probably some time after April, 1862; *De Bow's Review*, I, 1 (January, 1866), following iv; I, 3 (March, 1866), 333; Frank to James, December 26, (1865?). Manuscript materials and newspaper clippings, unless otherwise indicated, are in De Bow Papers, Nashville.

disposed of on a declining market in England. He had sold his Confederate bonds in London. Should he buy more at two or three dollars on the thousand? Should he speculate in the stocks of Southern banks, and continue with his gold operations? His properties in Louisiana and Mississippi were in fair condition, but those in St. Paul, Iowa, Kansas, and Missouri required immediate attention. His growing family was a source of such delight that he found separation from it increasingly painful. Though Martha cared for the children, made their clothing, and doubtless supervised the laundry, instead of traveling with her husband as formerly, De Bow provided such luxuries as a "full length bath," "very pretty" birthday parties, numerous gifts, vacations at Cayce Springs, and at least some tea at a dollar a pound and chocolate at seventy-five cents.<sup>2</sup>

Ties with business associates: contributors, subscribers, agents, printers, binders, engravers, advertisers, booksellers, and supply dealers had to be re-established. In the confused state of affairs, this task required considerable time. The mail system in the South was perhaps in almost as confused a state as were the labor and political situations. De Bow resorted to the expedient of writing various postmasters to learn what offices were actually functioning. As late as June, 1866, he knew of only eighteen that were operating in Mississippi. Would the postmaster at Jackson make what additions he could to the list? By directing a similar request to New Orleans, the Editor obtained the names of eighteen "principal offices" doing business in Louisiana. He used the same method in other states. Then finding in Washington that the General Post Office furnished the *New York Mail* each month a list of all offices that had been opened, the Editor instructed his brother to get that paper "regularly and be governed by it." Apparently unaware that a post office act in 1863 had made a four-ounce magazine mailable at one cent and one weighing over four ounces and less than eight for two cents, De Bow began to seek the lower rate only in July.<sup>3</sup>

Most of the people whom he was trying to reach were impoverished and overwhelmed by the throes of rehabilitation.

<sup>2</sup> James to Frank, November 19, December 1, 25, 1865; April 6, 10, 13, 18, 30, May (day lacking), July 1, 12, 24, August 29, December 1, 3, and various undated communications in 1866. In The University of Texas Library.

<sup>3</sup> De Bow to Postmaster at Jackson (June 13, 1866), at Little Rock (June 15, 1866); South Carolina list; correspondence with Joseph Pudney, John W. Orr, and Richardson and Company of New York. James to Frank, April 5, July 1, 1866. In The University of Texas Library.



They were far more interested in immediate means of relieving their distress and with what "Cuffee," Thaddeus Stevens, and Charles Summer were going to do than they were in De Bow's aspirations. Consequently, it is rather remarkable that he should have attempted so soon to revive his enterprise.

The collection of the some \$35,000 due the *Review* in 1861, plus whatever the war years may have added, constituted at once an insuperable problem and an essential endeavor. Starting apparently soon after Lee's surrender, De Bow, assisted by his brother and soon also by R. G. Barnwell and Edwin Q. Bell, obtained what he could from delinquent patrons of the past. In the circumstances the Magazinst must have been encouraged by his early efforts. Fragmentary notes under date of May, 1865, indicate that he had collected \$1,804.47 distributed as follows: Alabama, \$145.00; Arkansas, \$35.00; Florida, \$20.00; Georgia, \$440.00; Louisiana, \$72.50; Mississippi, \$263.80; North Carolina, \$139.17; South Carolina, \$203.00; Tennessee, \$323.50; Texas, \$165.00; Virginia, \$5.00; and unspecified, \$92.50. This allotment of remittances is probably as suggestive of the itineraries of agents as it is of the distribution of old patrons. By November 8, Edwin Q. Bell, now of New York City, had collected \$1,361.35, doubtless mainly from his vicinity.<sup>4</sup> These results are indicative of some of the work De Bow and a small group of associates did after the return of peace to prepare the way for reviving his enterprise.

Reminding Southerners on August 14, 1865, that the issues of the past were dead while those of the present were living and potential, De Bow announced that the *Review* would accept the situation and "deduce from it all that can be promotive of the best interests of the whole country." His field of labor would embrace the restoration of social and political order throughout the South; the re-establishment of agriculture, manufacturing, commerce and other industries which the war had prostrated; the reopening of internal communications; the adjustment of the relations between the races to the end that they might co-operate in the general welfare, and the establishment of schools and colleges. He would hold up the achievements of each state for the profit of others, and point out the best in the experience of other countries that had emerged from slavery. Working with brave

<sup>4</sup> "Financial Statement in a/c with E. Q. Bell, 1865."

hearts and noble purposes, his compatriots would soon banish the scars of war and again be prosperous. If the North would assist in the same spirit, the nation would thrive wonderfully. Would his fellow citizens not act with "one heart, one spirit, and one high and glorious impulse?"<sup>5</sup>

In another prepublication statement issued from Washington six weeks later, De Bow asserted that he had been editor and proprietor of his *Review* for over twenty years. Having had a "very heavy subscription and advertising list in every part of the union," it was again established on "a secure and permanent basis." Proposing to give the revived journal a national character, he would devote all of his energies and resources to developing the great material assets of the union: "Its Commerce, Agriculture, Manufactures, Internal Improvements, and General Industry." In addition, the monthly would carry discussions of such great questions as "the relations of the states, the permanency of the union," and the "*honor and prosperity of the country*." It would be devoted especially, however, "to the re-establishment of *Southern Prosperity*, and the building up of its fields of industry and enterprise," which the new conditions of things had rendered necessary. The restoration of the devastated region would, he hoped, be effected upon the basis proposed by President Johnson. Another paramount object of his work would be to reveal the unparalleled opportunities for capital in the South and to attract immigrants to its "abundant and fertile lands."<sup>6</sup>

Desiring to implement these objectives, De Bow announced on October 1, 1865, that he would establish offices for his *Review* in New York, Boston, Washington, Cincinnati, Charleston, New Orleans, and Nashville. Planning by December 1 to arrange agencies in Louisville and the Ohio city, he wrote Frank urging him to keep up his courage, for all would work out well. But he should tell Barnwell to "grit his teeth and root on" regardless of commission. The Editor left for New Orleans two weeks later, proceeding with the organization work en route. J. J. Norcom of Memphis became general traveling representative for the South and West. If Donald Fleming and Philip Spencer desired to serve in South Carolina and Georgia, Kentucky and the Northwestern states, Frank should send them their commissions and bills and report to the Editor. By Christmas of 1865, De Bow would go

<sup>5</sup> Winnsboro, S. C., newspaper clipping dated August 14, 1865.

<sup>6</sup> *De Bow's Review*, I, 1 (January, 1866), page preceding 1.

to work "like a Trojan," securing subscribers, advertisers, and agencies in New Orleans. After canvassing that city thoroughly and apparently securing George Ellis as chief representative in the emporium, De Bow predicted that the enterprise would do well there.<sup>7</sup>

Other canvassers were added as rapidly as suitable candidates could be found. J. J. Morris was offered "25 per ct and Alabama" to represent the *Review* in his agency at Auburn. Jo Ainger, De Bow's very intelligent nephew in Charleston, after collecting one hundred and fifty dollars in March and April, concluded in July that the situation was hopeless. Conditions in September, when his commission for four days was only three dollars, were "still too troubled to interest people in magazines." De Bow may have found a place for him in the Nashville office. Though Agent Cohen in Philadelphia may have lacked neither ability nor determination, Frank thought he was probably "a scamp." Virgil V. Moore worked rather ineffectively for the journal in Memphis. Eugene L. Didier, general business agent for the *National Quarterly Review* in Baltimore, desired to represent De Bow, asking a dollar for each new subscriber and twenty per cent on advertisements. A week later he was requesting a letter of authority, circulars, blank receipts, and suggesting a form he wished to use. Would his employer pay for advertisements in Baltimore papers? Duffie and Duffie in Little Rock gave less evidence of eagerness for the work. B. L. Golding in Shreveport desired to extend his canvassing to Europe, having found the people in Louisiana, Arkansas, and Mississippi discouraged by short crops and poor mail service. M. Lowe and David Richardson were agents in Waxahachie and Galveston, Texas. Tom Malone assisted in Nashville, and R. Crawford canvassed western Alabama. But desirous of "procuring the services of [still more] persons as traveling agents," De Bow "would make most favorable arrangements" with those of "suitable address" who would devote their entire time to the work. He suggested that his proposition might appeal especially to disabled soldiers with some education and experience. All applicants, however, had to present "satisfactory references."<sup>8</sup>

<sup>7</sup> James to Frank, December 1, 10, 25, 29, 1865, and January 22, 1866. In The University of Texas Library.

<sup>8</sup> James to Frank, April 13, May 19, (day lacking), August 19, 1866. In The University of Texas Library. Duffie and Duffie to De Bow, June 12, 1866; George Ellis to De Bow, February 2, 1867; M. Lowe to De Bow, August 27, 1866; David Richardson to De Bow, December (day lacking), 1866; J. J. Morris to De Bow, August 14, 1866; Jo Ainger to De Bow, July 15, September 2, 1866; Frank to James, October 12, 1866; Virgil V. Moore to De Bow, November 12, 1866; Eugene L. Didier to De Bow, January 22, 29, 1867; R. Crawford to De Bow, January 12, 1867.



De Bow was able to obtain the services of some who had served him efficiently in the past. Percy Roberts, a cotton factor of Memphis, may have been one of the "excellent prospective agents" who agreed to tour the Southern states, and the canvasser who soon reported a large number of new subscribers in Mississippi. Though he later jested that his neglectful employer treated him "most scandalously," other business interests were doubtless responsible for his contracting his agency activities.<sup>9</sup> Though George H. Steuckrath had left the *Review* under a cloud in 1860, the Editor sought him again, apparently without success, believing he would get many subscribers.<sup>10</sup> R. G. Barnwell, again with the journal as early as December 1, 1865, was a still more desirable employee. Visiting all the cities and larger towns of the Southern states in the spring of 1866, he prepared notes, probably for the Editor's use, upon the condition of the country, solicited subscribers and advertisers, and collected from those who were indebted to the work.<sup>11</sup> Learning that another canvasser had "bored" the people of Charleston, he passed on to Mobile whence he reported on April 24 that he "got forty seven" new subscribers in Savannah, twenty-two in Augusta, fourteen in Atlanta, eighteen in Macon, sixteen in Columbia, and twenty in Montgomery. Altogether he remitted a thousand dollars of the thirteen hundred dollars he had collected. Though the war had left the people in a very bad way, he did unexpectedly well for a time, then his business slackened for a brief period.<sup>12</sup>

A few days after this report Charles Gayarré wrote to De Bow:

Baby Barnwell . . . arrived [in New Orleans] . . . struck himself before me like a lamp post. . . . "I wanted to know," he said, "if you would remember me," as if that extraordinary production of nature, Barnwell's face, could ever be forgotten by man or beast. I find him more a baby than he ever was. What a wonderful fellow! I could get nothing from him. He knows . . . no more of what is going on in the world, than if he was fresh from the tomb. . . . I gave him up at last . . . [considering him] of no value whatever. In his turn he

<sup>9</sup> James to Frank, April 13, May 1, 19, 1866. In The University of Texas Library. Roberts to De Bow, April 27, August 23. Reports of October 25 and November 10, 1866 were not impressive: three subscribers, and one advertisement worth \$25 a month or \$300 a year. His commission was \$14.41. On January 20, 1867, De Bow owed him \$20.90; \$20.00 was for an article in the December number. Roberts to De Bow, October 25, November 10, 1866.

<sup>10</sup> James to Frank, June 9, 1866. In The University of Texas Library.

<sup>11</sup> *De Bow's Review*, I, 3 After the War Series (March, 1866), 336.

<sup>12</sup> Barnwell to De Bow, April 24, 1866. James to Frank, probably in April, 1866. In The University of Texas Library.

began to pump me, exclaiming constantly, whilst he walled his large eyes in amazement, and whilst his good natural face dilated with increasing innocence: "you don't say so—you don't say so!" I left him—so perfectly bewildered, that I have since felt some anxiety about him. He may have stumbled into some gutter and lost himself. He is a great hand though at picking subscribers. . . . The fact is who can say no to him? His simplicity is more cunning than Talleyrand's craft, and his weakness is of irresistible force. There is more of the power of conquest in his babyism than in the manhood of Alexander the Great. For my part I might have fought Caesar, Hannibal and Napoleon until Doomsday with indomitable Spanish obstinacy, but I confess I would succumb to Barnwell at once. He would only have to throw that beaming face of his—sucking like benevolence—the whole benevolence which is in this world, aggregated and converted into a full moon.

But the historian admitted that Barnwell was better than no agent.<sup>13</sup>

Gayarré's letter doubtless amused De Bow, but the canvasser's success encouraged him. After a brief interval the agent was "with us again." By the last of May he had sent Frank \$1,800 more.<sup>14</sup> Determined to push matters, after a "most successful tour" of the South, the agent would "continue his labors in the North-West, the North, Canada, Great Britain, etc." The Editor commended him to those everywhere who were "interested in the restoration of the South, the question of its staple growth, especially cotton, the workings of emancipation, and the industrial development of the country at large." Deterred from going to Europe by threats of war, Barnwell lingered in the Northwest until he had been robbed in Cincinnati of \$300. This experience "profoundly disgusted" him with everything. Though his spirits were "very low," De Bow hoped he would "rally again before long."<sup>15</sup> He did. Reporting from Chattanooga a few months later, the canvasser still met with plenty of good will, collecting \$200 and inducing "a dozen or so" of the old subscribers in Baltimore to continue. Though he obtained only ten additions to the list in Lynchburg and four in Norfolk, he remitted \$4,250 during the last days of July and \$350 in August. But times were "very dull everywhere."<sup>16</sup>

<sup>13</sup> Gayarré to De Bow, April 29, 1866.

<sup>14</sup> James to Frank, May 1, 29, 1866. In The University of Texas Library.

<sup>15</sup> *De Bow's Review*, II, 1 (July, 1866) 111; James to Frank, (day lacking), August 12, 1866. In The University of Texas Library.

<sup>16</sup> Barnwell to De Bow, September 20, 1866; reports, Frank to James.

In New Orleans again at the close of the year, the indefatigable agent met with encouraging response, turning in, presumably since September, over a hundred new subscribers and collecting from thirty or forty old ones. Altogether he had obtained about \$800. Deducting his commission, he sent Frank \$600.<sup>17</sup> Writing three weeks later, he stated that he was getting about four or five subscribers a day. He hoped to continue at about the same rate for a few weeks more. His work, however, was "somewhat uphill," because of the dullness of the times. Gayarré admitted that he had done "wonders." While George Steuckrath was selling a hundred sets of the *History of Louisiana*, Barnwell "got (old and new) more than two hundred [purchasers] for the Review." During a two months period, he sent Frank a hundred dollars a week.<sup>18</sup>

Gayarré again professed to be worried. Barnwell was getting insane. He talks of nothing but De Bow's Review. . . . He neither has the nigger nor cotton on the brain, but he has De Bow wearing fearfully on that organ. Can't you do something for him? His infirmity is increasing every minute. He keeps walking about the streets muttering between his teeth—De Bow, De Bow.<sup>19</sup>

The Editor seems to have planned in this period to utilize the services of booksellers as retailers and collectors more than he had hitherto. Sometime in 1866, he compiled a list of fifty cities in each of which there was one dealer or more. Though four hundred and ninety-eight copies of the journal were sent to these concerns, the Business Office in New York received only fifty dollars from them during March and April, 1866. Three agents in Washington agreed to take ten copies each, but they were unable to sell that many. Two Nashville stores took five each, a third accepted three, while a fourth received an undisclosed number. As was doubtless true of similar representatives, some of R. Clark and Company's five copies went as exchanges to Cincinnati newspapers. Though the American (or Central) News Company handled the *magazine* it was an unimportant circulation factor.<sup>20</sup>

The headquarters of the *Review* were in Nashville, but it was printed by E. O. Jenkins and bound by John Mills in New

<sup>17</sup> Barnwell to De Bow, December 24, 1866.

<sup>18</sup> Barnwell to De Bow, January 15, 1867.

<sup>19</sup> Gayarré to De Bow, February (day lacking), 1867.

<sup>20</sup> James to Frank, November 19, December 10, 25, 1865; January 18, May (day lacking), 19, July 1, December 3, 1866. In The University of Texas Library.



York City, where the greatest improvements in presses, stereotyping, and engraving had been made. Therefore, the branch office at 40 Broadway, where B. F. De Bow presided, was important. Though Frank's impaired health, limited efficiency, and inclination to rely on his brother even in purely personal affairs limited his usefulness, he was helpful. He might secure an employee and examine a paper bill, read proof with Edwin Bell (exercising especial care with Fitzhugh's articles, the foreign words in those of Holmes, and figures), make the index, pay commissions to advertising solicitors (giving due attention to the Editor's suggestions), keep the books, prepare some business notices ("very carefully"), submit estimates of receipts and expenditures, and investigate postal regulations (but probably owing to his deafness, with Jenkin's assistance). On most matters requiring judgment, De Bow expected his brother to follow instructions. Believing the journal would never succeed unless issued fifteen days in advance, the Editor repeatedly enjoined his Business Manager to hurry out the *Review* by visiting the press frequently, by having material set up and proofed as it was received, and by allowing no arrangement to take him from his post during the last days of a number. Tardiness and errors would disgust people and "cause them to take out their candy." He should see that the binder followed directions, avoiding the "great mischief" of cutting too much from the edges "in order to make money out of the clippings." But both printer and binder were so "full of work" that the Editor, though he began with the May number to send the manuscript direct to Jenkins, had to be content with issuing by the twenty-fifth of the month preceding the date on the cover. De Bow expected his directions to be followed in arranging matter in the journal, acknowledging payments on the cover, preparing the monthly financial statements, and compiling lists of subscribers. The Business Manager was capable of gross carelessness. When he sent, on one occasion, a list of new patrons without indicating when they began or how much each had paid, the Editor, generally very patient, fired back: "What were you thinking of? Why have a list that is so imperfect?" He did not want a record, unless a correct one. Insisting from the beginning on examining all printed bills, which Frank never understood in detail, the Editor soon began to pass on paper accounts as well. In addition to his other services, the Business Manager solicited subscribers and advertisers and

collected from them, mailed numbers, reported on sales of agents, and did such handy work as securing samples and prices of paper.<sup>21</sup>

Though De Bow's constant proddings sometimes wounded Frank's overly "touchy" feelings, the Editor always assured his brother that he did "a thousand things" well. He should take care of himself, avoid overwork, exposure, stimulants of any sort, and "take exercise and go out a good deal." De Bow would arrange, should Frank become unable to work, for him to have "a large and liberal interest in the *Review*" so that he might have a handsome living in the future "without the necessity of exertion."<sup>22</sup>

Having removed basic obstacles, reiterated his postwar objectives, collected from those able and willing to pay, and set up a skeleton organization, the Editor issued the first number of *De Bow's Review Devoted to the Restoration of the Southern States, and the Development of the Wealth and Resources of the Country . . . [:] a Journal of Literature, Education, Agriculture, Commerce, Internal Improvements, Manufactures, Mining and Statistics, [and] the Question of the Freedmen* early in December, 1865, under date of the following month.

After replacing many old patrons whom he was unable to locate by such new ones as the organization had been able to secure, and thinking optimistically of the future, De Bow ordered 2,500 copies of the first number of the new series printed. The four hundred subscribers whom he had for certain when he resumed publication and the two hundred individuals who soon purchased copies indicated, at the four-dollar rate at first contemplated, an annual income from readers of only \$2,400. Inasmuch as the Editor could not publish for such a limited patronage, he anticipated better support, and issued the same quantity for February. Believing that his work would instruct and improve critics in both sections, he thought he was entitled to the backing he sought. Under date of April 24, 1866, the Business Manager drew up "a full list of all subscribers," embracing 924 names and excluding those taken from his old and probably less depen-

<sup>21</sup> *De Bow's Review*, I, 4 After the War Series (April, 1866), 448; Frank to James, early in September, 1866. In offering to "execute contracts for printing on reasonable terms, and in every variety of style," he was probably merely soliciting job work for Jenkins. *De Bow's Review*, I, 1 (January, 1866), 112.

<sup>22</sup> James to Frank, November 19, December 1, 25, 1865; January 5, February (day lacking), April 5, 18, 30, May 1, 19, 29, July 1, August 25, 28, December 1, 3, and undated note in 1866. In The University of Texas Library.

dable roll. These new customers were distributed as follows: Alabama, 32 (20 were soon added); Arkansas, 1; California, 2; England, 2; Florida, 1; Georgia, 95 (Barnwell later reported 47 more); Illinois, 2 (13 additions were soon reported); Iowa, 1; Kentucky, 24 (15 additions were made early); Louisiana, 60 (with some 125 soon to be added, all from New Orleans); Maryland, 50; Michigan, 1; Mississippi, 15; Missouri, 1 (two subsequent reports added 295); North Carolina, 16; New Jersey, 2; New York, 122; Ohio, 2 (33 additions were later reported); Pennsylvania, 15 (plus 1); South Carolina, 76 (to which 9 may be added from another list); Tennessee, 70 (plus 4 reported by an agent); Texas, 4; Virginia, 314 (add 14 from an agent's report); Washington, 13, and location not specified, 13. In addition to these 1,500 subscribers in the spring of 1866, there was an undisclosed number from the old list and purchasers of individual copies of the journal.<sup>23</sup> The patronage was "increasing so much" by the last of May that De Bow enlarged the issue. Should he find, however, that agents did not sell copies, he would reduce after July to 2,700. His complete list included the exchanges, which embraced "all the southern newspapers at least," and all the "old subscribers" from whom he had not heard. The business continued to grow. But doubting early in 1867 that the circulation would be augmented much during the remainder of that year, he thought of curtailing "again to 3,000 for March." If special demands could not be met from the some fifty surplus copies of each issue the Editor sought always to keep on hand, he could reprint.<sup>24</sup>

Great obstacles stood between De Bow and his goal of 10,000 subscribers. Relying apparently on an inexact complaint of the Editor, George Fitzhugh asserted in September, 1866 that "not five copies of the Review, . . . are taken in Baltimore, . . . booksellers there announce they cannot sell a single copy."<sup>25</sup> Frank found that Washington was "no place for a man to get subscriptions for a work like the Review."<sup>26</sup> Regretting his inability to reach Kentucky effectively, De Bow asserted shortly before his death that there were ten times as many merchants subscribing for the journal in St. Louis as in Louisville. "It was the same case

<sup>23</sup> See reports for 1866 pasted in unused portions of the pre-war Ledger VII; large sheet in Ledger VI, pt. 2; Ledger VI, pt. 1.

<sup>24</sup> James to Frank, December 25, 29, 1865; January 18, 22, May 29, June 9, July 1, 9, (September ?), 1866; and a communication probably some time in January or February, 1867. In The University of Texas Library.

<sup>25</sup> An unidentified and undated newspaper clipping.

<sup>26</sup> Frank to James, October 12, 1866.



before the war."<sup>27</sup> December, 1866, was "a favorable time for new subscribers to send in their names." Would the press not assist by noting the contents of numbers?<sup>28</sup>

Supplementing the drumming of agents, the activities of the News Company, booksellers, and friends, and his general appeals, De Bow again resorted to the system of combination rates. His terms were now six dollars a year, but to clubs of five, ten, or twenty, his charges were thirty per cent less. He would send the work for one year, and the volumes "in neat and substantial bindings," each priced at three dollars and fifty cents, for 1866, to anyone who would form a club of ten and send a check for forty dollars.<sup>29</sup>

The problem of collecting from subscribers, especially from many of those in the South, was difficult. Never content to leave it entirely to agents, De Bow soon resumed his practice of appealing to his delinquent "friends." Acknowledgments were again published on the fourth page of the cover, but as always in such a way as to conceal circulation. In addition, by June 9, he had sent out 300 bills and circulars, and though they had brought "a mere trifle," he would continue until he had reached 500, believing they would pay "when they have money."<sup>30</sup>

But relatively few of those who had stood by him "in the long years of the past" were supporting him financially. He was sending the *Review* to "hundreds" who were in arrears, and from whom he was "anxiously expecting responses." Even the "most trifling sums" were "most gratefully received." Inasmuch as suitable agents were difficult to secure, would his old patrons not add to their own remittances whatever could be obtained from friends? Many were doing this. If there was no mail to Nashville, they could use the express. Varying his mode of attack, the Editor was grateful for "generous patronage" from both the North and the South. But good will toward the enterprise was such that doubtless a comforting number gave all the assistance they could. Theo. Wilkinson sent De Bow ten of the seventeen dollars and fifty cents that he had. Then, though his whole heart was with the success of the journal, he felt impelled to cancel

<sup>27</sup> *De Bow's Review*, III, 2 (February, 1867), 213.

<sup>28</sup> *Ibid.*, II, 5 (November, 1866), 559; II, 6 (December, 1866), 666.

<sup>29</sup> *Ibid.*, III, 3 (March, 1867), 335.

<sup>30</sup> James to Frank, January (day lacking) May 19, June 9, 1866. In The University of Texas Library.

his subscription.<sup>31</sup> Income from readers cannot be determined, because in the meager records that have survived there is no allocation of payments to sources.

De Bow had long realized that advertisements rather than readers were the only source of profit for a newspaper or magazine. Indicative of progress, activity, enterprise, and life, "cards" enhanced the appeal of a journal without encroaching on the reading matter. Moreover, experience showed that they were remunerative to their purchasers. Repeating these arguments, two of his exchanges, the *Murfreesboro Monitor* and the *Southern Cultivator*, asserted that the body of the *Review* was greater than before the war. De Bow sought to make his services attractive, using typographical displays, woodcuts, a special index, and editorial references. In addition, he would act as agent for the purchase of any article offered in his pages. His rates, the same as before the war, were reasonable. Though he asked \$150 for an inside page and \$600 for an outside cover, the evidence indicates variations.<sup>32</sup>

De Bow appealed especially for Southern patronage, but in soliciting advertisements he raised no geographical, and now no ideological, barriers. He knew that matter for most of the four forms with which he hoped to start the new series would have to come from the North. Though the whole staff had worked hard, the Business Manager fell short of the eight forms he had sought for the July number. But the Editor was determined to reach that quantity by August. Perhaps all the booksellers would advertise inasmuch as the work was "increasing so fast." Apparently first coming within sight of the goal in early September, Frank wondered if his brother would agree to go beyond it. De Bow would, but departing from his former practice, none should be stereotyped that ran for less than six months. Subject to this condition, he would go to seventy pages. He missed that mark by only three pages in December, 1866. But because, in part, of Frank's declining health, the business fell off thereafter. The issue for April-May, 1867, contained sixteen unnumbered pages in color before and thirty-two after the reading. The number of patrons in this department for the year beginning with March, 1866, was generally in the neighborhood of a hundred,

<sup>31</sup> *De Bow's Review*, II, 2 (August, 1866), 223; II, 5 (August, 1866), 559; II, 6 (December, 1866), 666; III, 1 (January, 1867), 112; III, 3 (March, 1867), 337; Theo. Wilkinson to De Bow, August 1, 1866.

<sup>32</sup> *De Bow's Review*, II, 2 (August, 1866), 223-224; *Murfreesboro Monitor*, undated clipping; the *Southern Cultivator* for April, 1867.

and the subjects under which they were classified in the index ranged from twenty-nine to sixty-two.<sup>33</sup>

Calculating the expense of issuing an edition of 2,500 copies of the *Review*, De Bow estimated, in the latter part of 1865, that he could net \$1,600 from thirty-two pages of advertisements. But he hoped to bring the total up to \$2,700, or enough to cover the incidental costs. Finding some months later that the Business Office would probably obtain somewhat more than \$800 from this source for March and April, he elicited from Frank this "very conservative guess" of the receipts for the last half of 1866: July, \$361.16; August, \$213.91; September, \$424.18; October, \$147.68; November, \$187.38; December, \$245.43. To the Business Manager's total of approximately \$1,600 for the six months, the Editor added \$600 "for new ones," \$1,300 "on hand," making a total of over \$3,500, or almost \$600 an issue. De Bow's advertising business was better than he had anticipated. It would pay the entire expense of the work, not merely the incidentals.<sup>34</sup>

The Editor announced in the first number of the After the War Series that he would again act as "Agent for the sale of Southern estates on reasonable terms, or for the purchase of any article which may be required by the Southern people, including such as . . . [were] advertised in the pages of the *Review*." His Northern and Western circulation, he suggested, made this service advantageous. In announcing that blocks and lands were available in St. Paul, Leavenworth, Chicago (twenty lots), Iowa, Minnesota, Missouri, Kansas, Mississippi, Louisiana, and Texas, he was doubtless endeavoring to liquidate his own holdings. In March B. F. De Bow listed "eighty thousand acres of Mississippi *bottom land* all above overflow and suitable for cultivation." He would sell the whole block for five dollars an acre, or in five, ten, or twenty-thousand acre parcels at a slightly higher figure. The editor devoted almost a column in June to an attempt to sell a Louisiana estate. Condensing a pamphlet listing eighty-one properties by the J. T. Winter Land Company, De Bow commended his patron and rival highly. His "reasonable rates" for this service was five dollars for six column lines. Later he was less

<sup>33</sup> *De Bow's Review*, I, 3 (March, 1866), 336; Frank to James, early September, 1866; James to Frank, December 25, 1865; May 19, 24, 29, early September, 1866; communication early in 1867. In The University of Texas Library.

<sup>34</sup> "Some Calculations of Cost of *Review*;" "Report on Probable Collections in N. Y." James to Frank, June 9, 1866. In The University of Texas Library.



specific, offering to mention such property "more or less fully at the close of the Editorial Column," "upon receipt of five or ten dollars."<sup>35</sup>

After obtaining bids from various printers, binders, and supply dealers, De Bow prepared an itemized estimate of the cost of the *Review* in editions of two, three, four, and five thousand copies. He finally decided, however, to set his immediate goal at twenty-five hundred readers and subscribers. "Some calculations of [the] Cost of the Review" set forth in detail and with considerable accuracy the expense of the work. Paper would cost eleven (inside), nine (cover), and eight (advertisement) dollars a ream. He would have to pay eighty cents a column (an em) for composition, fifty cents a token for press work, fifty cents a column (or an em) for stereotyping, and twenty dollars a month for binding. Summarizing, he found that he would have to allow \$200 a month for paper, \$210 for printing, \$12 for cover, and \$28 for binding and minor items. The total annual publication cost, therefore, would be \$5,300. In addition, minimum allowances had to be made for office expenditures: rent, twelve dollars and fifty cents; "Boy," ten; "fuel, etc.," five; stationery, ten; postage, fifteen; articles, twenty; Frank, \$150, or a total of \$2,700. Though he thought that 1,600 subscribers and readers paying at the rate of four dollars a year (allowing for delinquencies) would net him only \$5,600, he believed he could publish for 1,400 patrons.<sup>36</sup>

These calculations fairly represent the actual cost of publishing the *Review*, but they do not support the Editor's claim in November, 1866, that the expenses of the journal were three times what they were in former days. For example, he listed these items for the April and May numbers: paper, \$275; printing, \$540; office expenses, \$30; binding, \$40; B. F. De Bow, \$300. Payments to contributors are among the obvious omissions.<sup>37</sup> Though the enterprise was not prospering, De Bow thought early in June that its losses for the year could be made low by "active and good management." He seems even to have made some money by increasing his subscription rates to six dollars a year and by building up his advertising business.<sup>38</sup>

<sup>35</sup> *De Bow's Review*, I, 1 (January, 1866), 112; I, 3 (March, 1866), 336; I, 4 (April, 1866), 448; I, 5 (May, 1866), 559; II, 6 (December, 1866), 667-668. James to Frank, May 29, 1866. In The University of Texas Library.

<sup>36</sup> "Memoranda:" "Some Calculations of Cost of Review."

<sup>37</sup> Memorandum in De Bow's script itemizing cost of publishing various editions; "Some Calculations of Cost of Review;" *De Bow's Review*, II, 5 (November, 1866), 559.

<sup>38</sup> James to Frank, June 9, 1866. In The University of Texas Library. B. F. De Bow's "Cash account—July, 1866," and his "Statement of September 1, 1866."

The demand made on De Bow as proprietor of his journal partly conditioned his course as its editor. Accepting the results of the war and suppressing whatever animosities he may have felt, he proposed to devote his energies and resources to developing the wealth of the nation and to fostering love for the common country. Now that the United States was in "the path of reconstruction and order, peace and sound government," he was independent enough to act upon his own judgment, and having led public opinion in the past, "as friends and enemies intimate," he was not too old and inexperienced "to attempt to lead it again." He said this with "respectful deference." Inasmuch as the "battle for the South" would thenceforth "*be fought in the North*," he believed that if he could modify the actions of the Radicals and strengthen and sustain the arms of the Conservatives, he would enjoy the satisfaction of having performed a great service to those with whom his whole past life had been associated, and with whom and among whom his lot would "*likely be cast in all future!*"<sup>39</sup>

Sincere and determined, the hustling magazinist promised to devote his "efforts earnestly to the interest of the Review. . . ." No pains would be spared to make it complete in every respect, one that would be "most conducive to the general interests and welfare of the country." Desiring the aid of all friends and sympathizers, in the literary as well as in the business departments, he solicited articles upon all the subjects his work embraced.<sup>40</sup>

De Bow's studied avoidance of partisan sectionalism in the early numbers of the *After the War* Series caused some of his readers to doubt that he was as strong in the faith as he had been. He reminded such critics that it had been his policy for twenty years to renounce responsibility for the views of contributors whose names were given. He considered it advisable to allow the enemy occasionally to express himself. It was not necessary "always to break our neck in the hurry to pitch into them in reply." Though he was willing to be thought impartial, he preferred to be judged in the aggregate and not in detail. As Johnson's policy of moderation was pushed into the background, however, the *Review* became more provincial. Thus the Editor

<sup>39</sup> *De Bow's Review*, I, 1 (January, 1866), title page, page following iv, and *passim*; I, 3 (March, 1866), 331; clipping, *Providence Daily Post*, December 12, 1865.

<sup>40</sup> *De Bow's Review*, I, 5 (May, 1866), 558.

warmly commended the "Southern University Series" of textbooks, and J. P. Morton and Company's plan to issue texts "adapted to our institutions of learning."<sup>41</sup>

Though the necessity of anticipating the date of publication may have caused the omission of several "interesting and valuable" articles, the initial number of the new series deserved the wide attention it attracted. In addition to the Editor's "Our Mexican Frontier" and "The Future of the United States," the original department contained articles by George Fitzhugh, Dr. William Elder of the Treasury Department, Charles Gayarré, George Frederick Holmes, W. W. Boyce, and L. J. Reynolds. *The Age* (Philadelphia) thought the monthly would be of immense service to merchants, bankers, professional men, and all those who desired information on national subjects. The *Rochester Republican* recalled that under De Bow's editorship the *Review* had acquired a reputation as a "reliable and invaluable work for business men, not second to any journal of the kind printed in the English language." The *Buffalo Morning Express* admitted that the "celebrated periodical" "of unsavory past connections" was of much value. A writer in the *Providence Daily Post* read the January number with "great satisfaction." It took hold of "live issues and vital questions of the day, not to warp them in subterfuges or ambiguity of language, but to state them fairly, argue them boldly and intelligently, and to seek to find for them a just and practical solution." He had not perused a magazine or review in a long time which had afforded him such "unalloyed satisfaction." There was no substitute for it. The *Ohio Statesman* (Columbus) was impressed by the national character of the *Review*. The *Public Ledger and Daily Transcript* (Philadelphia) observed that the new series would take a broad and national view of things and seek to be a United States journal of agricultural, commercial, and industrial progress and resources. It was pleased that the war had, as the Editor avowed, "opened his eyes and enlarged his mind." Noting that six of the eight contributors to the first number, whose names were published, were Southerners, the newspaper thought their "truly national feeling" would both surprise and gratify all who wish to see the interests of the two sections of the country made identical. The *Review* seemed "well calculated to do great good, especially at the South, . . . in restoring the national feeling."<sup>42</sup>

<sup>41</sup> *Ibid.*, II, 3 (September, 1866), 332; II, 4 (October, 1866), 447.

<sup>42</sup> Clippings dated December 9, 12, 19, 21, 1865.



The first volume of the new series embraces striking features: strivings for a broad viewpoint, preponderance of the Editor's own writings, offerings of such old contributors as George Fitzhugh, Dr. Josiah C. Nott, Albert Stein, W. M. Burwell, and William Elliott. There were other writers who were virtually, or entirely, new to readers of the journal: George Frederick Holmes, W. W. Boyce, L. J. Reynolds, Charles Gayarré, A. Delmar, and W. A. Van Benthuisen. To the table of contents, which had formerly been carried, De Bow added a detailed alphabetical index. There was also a list of advertisers in each number.

De Bow's editing was greatly affected by the dearth of available writers, the distance separating him from his printer and binder, and the necessity of devoting much attention to the business affairs of his enterprise. He repeatedly requested communications from anyone upon any of the questions or subjects within the scope of the work, especially upon industrial diversification at the South, its conditions and prosperity, and the workings of the system of emancipation. Though he desired papers upon all the states of Europe, J. L. Ewell's "The Future of Italy," showing the factors that fostered and retarded unification and predicting unity would follow the Austro-Prussian War, was the net, but in the opinion of the *Mobile Nationalist* excellent, result. Others, including Charles A. Pilsbury, seem to have responded to his general invitations. Supplementing his broadcast appeals, the Editor solicited contributions from some, and doubtless from many, literary men. Always respectful of their opinions, he never attempted to dictate their topics, nor set limits upon their composition.<sup>43</sup>

In addition, the Editor seems to have done what he could to reduce the scandalous liaison, which some high-class periodicals fostered, between lofty aims and insubstantial rewards of magazine writing. But narrative talent in the South capable of interesting readers was extremely scarce, and for such as there was, De Bow had to compete with Northern publishers. Simms, Paul Hamilton Hayne, John R. Thompson, George W. Bagby, John Esten Cooke, Margaret J. Preston, and Edward A. Pollard,

<sup>43</sup> *De Bow's Review*, I, 4 (April, 1866), 447-448; I, 5 (May, 1866), 558, 559; II, 5 (November, 1866), 559; undated clipping from the *Mobile Nationalist*. He published the names of writers only when they authorized him to do so. But that an unsigned article might not be attributed to him, he might indicate that it was by \_\_\_\_\_ of the writer's city or state. James to Frank, January 15, May (day lacking), 1866. In The University of Texas Library.

among others, could market their wares more advantageously in the North. If De Bow would visit William Gilmore Simms in New York or at his plantation homes at designated times, the Carolinian would offer advice on "many improvements in the Review, and in respect to politics and letters in general," but he was unable to promise contributions or to take time to write on these topics. With commitments already too heavy, he could not be tempted to work for any periodical without "a retaining fee of at least \$100." But with "a goodly squad" of authors, De Bow hardly needed him. The Editor "could and should do more" of the writing himself, especially in the literary department, "the least imposing of . . . [his] provinces." "You have reached that age, proved that degree of ability, shown that worth, acquired that position, that nothing is needed for your full success."<sup>44</sup> De Bow had failed again to enlist the pen of the man whom he doubtless regarded as the literary monarch of the South.

Percy Roberts ("Carte Blanche"), De Bow's "European Correspondent," induced the Editor to admit a "gossiping element into the Review" to "relax its severe didacticism," of which Roberts had heard "considerable complaint." The "correspondent" prepared some half dozen "Sketches of Foreign Travel," in the form of letters to the Editor, based on a trip made four years earlier. The evidence indicates that the contributor asked, and probably received, about four dollars a page for his sketches. T. R. Warren probably realized no more for his "most interesting" "Equatorial Regions of America."<sup>45</sup>

Though William Sherwood would write for a while on European topics for five dollars a page, he realized that De Bow would probably be unable to meet his terms immediately. W. Archer Cocke was less exacting, merely requesting twelve copies of the number in which an essay of his appeared. John W. Daniel, having asked three dollars a *Review* page, received twenty-five dollars rather than the twenty he had expected for a sixteen-page essay. George Frederick Holmes, in no position to bargain, having only three dollars, was elated over the sixty dollars he received for contributions. The terms, probably about two dollars a page, suited him, if De Bow could stand them. But when R. O. Hughes

<sup>44</sup> Simms to De Bow, August 1, (1866?).

<sup>45</sup> Roberts to De Bow, April 27, August 23, October 25, 1866. For "Carte Blanche's" articles, see the *Review* from July, 1866 to March, 1867. *De Bow's Review*, I, 6 (June, 1866), 641-646; I, 4 (April, 1866), 352-366; an undated clipping from the *Mobile Nationalist*.

requested five hundred copies of the issue in which his article appeared, the Editor offered to send them for twenty-five dollars. Printers "ran up such a bill" for "extras in sheets" that the Editor preferred to send a writer "20 or 40 copies of the Review" in which his article had appeared.<sup>46</sup>

If De Bow often differed with one of his "oldest contributors," he thought the originality of George Fitzhugh's views and his powers as a writer were universally admitted. The Virginian was a "philosopher of his own school." He examined questions without the use of books, expressed "home truths in his own way," and hit at friends and foes alike. The Editor always found him interesting. Though critics, North and South, made "frequent dashes at his philosophy," they paid due tribute to the genial spirit, the originality, honesty, and humor of the man.<sup>47</sup>

Unwilling to agree with his contributor that war has its compensation, De Bow cheerfully gave space for M. A. Richter to present a sane case for peace. Generally, however, Fitzhugh's articles passed without comment. The history of Virginia was great, because in that state conservatism, aristocracy, loyalty, and culture had thriven. A Delaware journal denounced the premise in another essay which contended that the loss of liberty was a meager price paid for civilization. In "Boys," the contributor found nothing interesting, but much that was repulsive. From "Pecuniary Independence—What Is It?" he concluded that the laudable goal of economic security rested in property. Capital in turn gave control over human labor. Employees whom masters dominated were slaves, but deserved kind treatment. Writing on "What's to be Done with the Negroes?" Fitzhugh found the question complicated by the controlling Radicals, who lacked faith in anything. They were all crazy on some points. The freedmen required black codes. For them even more than for sailors, minors, and women, guardians were necessary. In "Home Education and the Home Circle" sound and antiquated ideas were intermingled. The contributor enjoined the South to rely on log-cabin schools, and much home reading. "Virginia—Her New Spirit and Development" featured evidence of restora-

<sup>46</sup> Sherwood to De Bow, August 29, 1866; Cocke to De Bow, August 8, December 2, 1866; Daniel to De Bow, December 5, 1866; Pillsbury to De Bow, December 28, 1866; Holmes to De Bow, January 14, 1867; Hughes to De Bow, January 9, 1867. De Bow to Edmund Ruffin, April 13, 1859. In The University of North Carolina Library.

<sup>47</sup> *De Bow's Review*, I, 1 (January, 1866), 75 note; I, 4 (April, 1866), 416; the *Mobile Nationalist* thought his articles would have a bad influence in the North, probably for May or June, 1866.



tion in Richmond, though urban and industrial development were in the offing, the progress of the state would be hindered by lack of capital and by lazy and indolent Negroes.<sup>48</sup> Fitzhugh's recommendation of "Spartan Virtues for the South" caused the Editor to observe that he had seen the "philosopher deport himself in the courtly saloons of the capital in other days, imbibe the wines of France and puff the regalias of Habana and occasionally indulge himself in a broad cloth suit, which however never retained very long its finish. He has taken to the pipe now, and naturally enough."<sup>49</sup> Fitzhugh pleaded for state rights, moderation and nationalism against fanaticism and irrationalism in "Terribly in Earnest." "Commerce, War, and Civilization" had always been associated with the white man, Negroes and Indians would never be cultivated. Consequently, he desired conservative Northern immigrants. "Old Maids and Old Bachelors" were the most agreeable and useful, or if they lived secluded and selfish lives, the most disagreeable and useless of mankind. His account of "Camp Lee and the Freedmen's Bureau" is genial. The agency was "a negro nursery." There was not "a full-blooded negro woman in America fitted for any other work except field work."<sup>50</sup>

Fitzhugh, conjecturally, defended the rightfulness and the historical accuracy of the proposition that "all [governments] begin in usurpation, and all are continued by force," in "Usurpers and Tyrants—Origin of Governments." "National Debt [was] a National Blessing," because all that was owed within a country was highly beneficial. "The Two Aristocracies of America" were the defunct slavocracy and the moneyed class of the Northeast. The former were slaves of the latter. "Thad Stevens's Conscience—The Rump Parliament" showed that a mere sense of moral responsibility is a treacherous delusion, and dangerous guide. Rather untactfully, Fitzhugh admitted that whites might wreak vengeance on "The Freedmen" after Bureau officials and federal troops had been withdrawn.

It was probably Fitzhugh who saw in "The Age of Reason and Radicalism" the dangers that lurked in over-reliance on reason in the pursuit of truth. The "Impending Fate of the

<sup>48</sup> *De Bow's Review*, I, 1 (January, 1866), 75-77; I, 2 (February, 1866), 178-184; I, 3 (March, 1866), 250-253; I, 4 (April, 1866), 366-371, 443-444; I, 5 (May, 1866), 472-474; I, 6 (June, 1866), 577-581; II, 1 (July, 1866), 49-56; clipping from an unidentified Delaware journal.

<sup>49</sup> *De Bow's Review*, II, 2 (August, 1866), 145-150 and 145, note.

<sup>50</sup> *Ibid.*, II, 2 (August, 1866), 172-177; II, 3 (September, 1866), 256-262, 288-291; II, 4 (October, 1866), 346-355.

Country" pointed to a war between the Conservatives of the North and South on the one side and the Radicals on the other. The contributor thought political economy "a humbug, a quackery, a false pretense, and airy nothing in the hands of . . . [such] learned teachers" as John Stuart Mill. Nor were laissez faire and free society destined to any good end. Unable to see any chance for monarchy in America, Fitzhugh urged his compatriots to tend their economic fences and eschew politics.<sup>51</sup> Paid possibly thirty dollars a number, he contributed some twenty-five articles to the fourteen issues of the After the War Series which De Bow edited.

Doubtless other writers who shared responsibility for the prestige of the original matter in the *Review* were paid. Albert Stein, in De Bow's opinion, "one of the ablest hydrographical engineers in the country", resumed his contributions to the monthly with a series of articles recommending that river channels be straightened and contracted so that streams might scour their beds. The *Mobile Nationalist* considered at least one of his essays of very high quality. The *Quebec Mercury* was equally well impressed with T. R. Warren's "Equatorial Regions of America". He was instructive, and in his descriptions, superb.<sup>52</sup>

Public finance received highly competent, if quantitatively inadequate, treatment. Dr. William Elder, of the Treasury Department, supplied an able discussion of "The National Debt and How It Can be Paid." In an "Historical Sketch of Paper Currency", Charles Gayarré denounced the medium as fiat money. A. Delmar, editor of the *Social Science Review*, furnished a scholarly and rather destructive critique of one of Secretary Hugh McCulloch's reports. Lysander Spooner of Boston, in a "Proposed Banking System for the South", denounced the "unconstitutionality and vices" of the existing national plan. Though De Bow agreed that property, and commercial paper, under "proper guards and restrictions", might be used as a basis for note issues, he made no comment on the writer's strictures on a government-controlled currency. The Editor made his chief contribution to the subject in "The Purse and the Sword—Finances of Europe." Having met the tremendous expenses of the Civil War with entirely unforeseeable efficiency, the United

<sup>51</sup> *Ibid.*, II, 4 (October, 1866), 396-402; II, 5 (November, 1866), 461-465, 466-470; II, 5 (November, 1866), 489-494; II, 6 (December, 1866), 561-570; III, 1 (January, 1867), 52-56; III, 2 (February, 1867), 134-138; III, 3 (March, 1867), 273-278.

<sup>52</sup> *Ibid.*, I, 6 (June, 1866), 589-595, and 589 note; undated clippings from the *Mobile Nationalist* and the *Quebec Mercury*.

States was in a sounder financial condition, De Bow thought, than any European country.<sup>53</sup>

Chiefly an editorial contributor and compiler, De Bow did much in his articles, notes, Editorials, and selections to supplement the works of writers, and to personalize his journal. In addition to his old specialties, agriculture, commerce, manufactures, and railroads, he supplied material on the late war, conditions and prospects in the South, and prominent phases of reconstruction.

In the Editorial, an important feature in the new series, De Bow expressed himself on a wide variety of topics. Thus he warmly commended the growing practice of visiting the graves of soldiers; the forming of relief, memorial, and benevolent associations; the organizing of historical societies designed to preserve materials relating to the Confederacy; and the appearance of factories. He frequently commented on a book, a pamphlet, a selected poem, or on the products of an advertiser. He might direct attention to a plea for Southern enterprise, what readers were saying about the *Review*, calculations of the costs and profits of cotton planting, an approaching fair, some development in medicine or diplomacy, "a new pen—one that will hold ink enough to write out an idea complete", "some pretty thought upon the subject of flowers", the travels of one of his agents, arrearages of subscribers, and the need for friends who would extend his circulation. The Editor often expressed his views on such questions of current interest as the laying of the Atlantic Cable, some railroad developments, or efforts of certain cities to restore their prosperity.<sup>54</sup>

De Bow included observations and incidents from his travels in his Editorial. In Cincinnati the spirit of enterprise, the industries, and especially the "extensive wine cellars" of the late Nicholas Longworth, impressed him. The vintner of the latter establishment "brought out every variety of his exquisite" beverages, inducing his guest to spend "several hours beneath the surface of mother earth", "with no damaging effect". But St. Louis wine was equal to that of Ohio. In the more sedate Lexington, Kentucky, he attended the races.

<sup>53</sup> *De Bow's Review*, II, 2 (August, 1866), 183-189; clipping, *Providence Daily Post*, December 12, 1866.

<sup>54</sup> *De Bow's Review*, I, 6 (June, 1866), 663-668; II, 1 (July, 1866), 106; II, 3 (September, 1866), 332; II, 6 (December, 1866), 662-668.



Writing of another trip to the North a few months later, which proved "in most respects pleasant; in some respects profitable", he referred to the prosperity of Louisville and Cincinnati, and to their need for railroad connections with the South and the West. New York City had grown remarkably, but much of its capital could have been more profitably employed below the Potomac. There being "no better hotel in America" than the St. Nicholas, he naturally stayed there. Philadelphia was less cosmopolitan, but more radical than its great rival. He found the former's numerous "skating ponds, . . . alive by day and night with the beauty and grace of manhood . . . ." Baltimore had won his affections by its attitude during the war and by its later charitable activities. It needed to develop profitable trade relations with the South. In Washington, De Bow was disgusted with the Radicals, who were fanning the embers of the late war. Though Richmond was recovering remarkably, Charleston was still in sackcloth and ashes. The blight still upon her, showed "at every step the mark of cruel war". The streets were unpaved; the wharves were virtually deserted. Gloom was everywhere. Though the damage from war had been partly repaired, the immense squares which the fire of December, 1861, had leveled, presented a "stark and naked deformity". No one would take the reconstruction bonds which the city offered. "Whence such lethargy? Never say Fail brothers in this hour of common disaster!" Charlestonians should not sit and repine. The world was moving and the enterprising were carrying the palm. The old metropolis "*must not and cannot yield in the race. The South and the world protest*". The possibilities in the city challenged the best in its people. "There are heroes in peace as well as in war—foster them!" Though the Sea Island and rice planters had the richest land in the world, they were utterly penniless. Desperate efforts should be made to get capital. The Negroes would work. Though Georgians were leaving for the West, he found their state in better condition than Alabama. De Bow returned in time "to enjoy the New Year's festival at our home in the midst of family and friends."<sup>55</sup>

The Editor seems to have concurred in William Gilmore Simms's judgment that the literary department of the *Review* was "the least imposing" of its provinces. He obviously did not agree, however, that his own pen should make up the deficit. He

<sup>55</sup> *Ibid.*, II, 1 (July, 1866), 106-107; III, 2 (February, 1867), 213-217.

preferred rather to secure more contributors like George Frederick Holmes and John W. Daniel, or even to publish selections from the works of such writers as W. J. Grayson. Though Holmes, friend and constructive critic of De Bow's early essays, believed that "the origin of languages is mysterious, inexplicable, and ultra-natural, if not acknowledged to be super-natural," he was a learned and competent writer. Grayson had been "One of the finest scholars and most versatile writers of the South." His "Charms of Rural Life" was a "beautiful production." Originally "printed ["a year or two prior to the war"] in beautiful style in his native city [of Charleston] it was little circulated, in consequence of the political troubles." Consequently, the Editor gave this "waif from the wreck of the past" "the benefit of our wide circulation," hoping it would "tend to restore and cement the genial and kindly virtues among us."<sup>56</sup>

Literary criticism and brief notices of books and pamphlets continued to be staple commodities in the *Review*. Though the Editor's "Book Table" for January, 1866, was meager, he was refreshed by being permitted again to see what was being published, and by the very striking "improvement . . . in the character of the material and the style of publication." He saw many familiar names on the title pages of the volumes which dealers had "kindly furnished him," but some "highly esteemed in the days of yore," were still missing. Though Edwin Bell wrote some of the notices and Frank did some, always submitting them to the Editor in advance, however, De Bow prepared most of them and generally after he had seen more than merely the "full titles of all the books" the Business Office had received.<sup>57</sup> In the March number of 1866, De Bow called attention to thirty-one books and pamphlets, generally giving the author, title, publisher, and nature of the contents. Though he revealed scarcely a trace of sectional bias, he showed definite sympathy for political moderates and for industrial diversification in the South. The "sound" and "conservative" *National Intelligencer*, "one of the oldest journals in America," and always "marked by a high moral tone," was worthy of Southern patronage. Lucy Wallace's translation of *Mozart's Letters* elicited the prediction that the

<sup>56</sup> Simms to De Bow, August 1 (probably 1866); *De Bow's Review*, I, 1 (January, 1866), 25-35; I, 5 (May, 1866), 488-504, and 488 note.

<sup>57</sup> *De Bow's Review*, I, 1 (January, 1866), 105; I, 2 (February, 1866), 220-224. James to Frank, June 15, April 13, and August (day lacking), 1866. In The University of Texas Library.

musician's "inspiring genius" would "move the world for generations to come."<sup>58</sup>

De Bow's deficiency in just and discriminating severity is obvious, if understandable, in his references to his good friend Charles Gayarré. The Old Creole illustrated his genius in whatever he touched—law, politics, literature. Inexhaustible in resources, he was full of life and vigor. *Dr. Bluff in Russia* encouraged the biased critic to predict that *Our American Dominion in Louisiana and Philip the Second* would be "among the finest specimen of American Literature." When the biography appeared, De Bow asserted that it was as interesting as romance, but the "most veritable history." Of "distinguished Spanish extraction," the author was a "profound" scholar. The Editor was on safer ground when he said that Goldwin Smith's *Lectures on the Study of History* were marred by "signal ability," and that Civil War novels would "abound for the next half century." It was the partisan, however, who asserted that Henry Timrod "was the most exquisite of our Southern poets," and that his "Ode," written for the occasion of decorating the graves of Confederate soldiers in Magnolia Cemetery in Charleston, South Carolina, in 1867, was "worthy of the classic ages." J. N. Cardoza's *Reminiscences of Charleston* was a work that "no son of that heroic old city" should fail to secure. In his *Prison Life of Jefferson Davis*, Dr. John J. Craven earned "the lasting gratitude of good men, North and South, by his generous and self-sacrificing course toward the illustrious State prisoner." The work would be a lasting memorial to the author's fame "as well as [to] that of the ill fated" statesman. More favorably inclined now toward J. B. Jones and his *Rebel Was Clark's Diary*, De Bow recalled that the former newspaper man was a "sincere and true patriot," who, from having opposed secession, became a warm supporter of the Confederacy. The indefatigable Chief of the Passport Office had seen much of the secret history of the government. Outside of Richmond, however, his knowledge was limited. Though De Bow proposed to take the latter field for his province, he would "very often refer to the pages of our friend for illustrations." The *Diary* would "long live as an able and interesting chronicle of the 'time that tried men's souls.' For the sake of his family, as for its intrinsic merit, we trust the work will pass through many editions." The first volume of Horace Greeley's *American Conflict*

<sup>58</sup> *De Bow's Review*, I, 3 (March, 1866), 336; I, 4 (April, 1866), 445.



showed that the author was a man of "worth, honesty and integrity. His errors have been of the head." A *Youth's History of the Great Civil War*, issued by the violently pro-Southern Van Evrie, Horton and Company of New York City, was the fairest chronicle that had appeared. The illustrations in Benson J. Lossing's "biased" *Pictorial History of the Civil War* were superb. The chief weaknesses in the works that were appearing resulted, De Bow said, from the authors having used materials from only one side. But the great struggle would "constitute the groundwork of much of our literature" "for the next quarter of a century."<sup>59</sup>

Competent critical articles appeared occasionally in the *Review*. De Bow thought "Miss Evans—St. Elmo" by P. S. R., "a lady, and a young lady too," though "managed with skill and ability," was severe. Always "an admirer" of the novelist, and having enjoyed a brief personal acquaintance with her, the Editor regarded her as one of "the most eminent and greatly distinguished of our Southern women." He pointed "with pride to her achievements in the world of letters." There was much in her "style and manner, as a writer," however, that he had always "esteemed reprehensible," and had so indicated several years earlier in a notice of *Macaria*. An unidentified but competent writer was more censorious of professional faultfinders than he was concerned with the merits of the "Novels of Sir E. Bulwer Lytton." De Bow was disappointed over the critic's failure to include "the later works of the great English novelist." It was almost inconceivable that the human intellect could advance beyond those magnificent creations," "which crown the column of his colossal literary genius." Charles Bohun in "Immortal Fiction," concluded that this least transitory type of literature was best represented in his time by Victor Hugo, and then by Bulwer Lytton, Charles Dickens, and William M. Thackeray. George Frederick Holmes's "Modern Philosophical System" is scholarly despite its judgment that Auguste Comte's influence had been trivial and transitory. John W. Daniel's review of *Thoughts on the Future Civil Policy of America* by John W. Draper was worthy of the book. Reviewing Napoleon III's *Life of Julius Caesar* the same critic adequately summarized the contents, but allowed the author's prominence

<sup>59</sup> *Ibid.*, II, 1 (July, 1866), 111; II, 2 (August, 1866), 221; II, 3 (September, 1866), 332-335; II, 4 (October, 1866), 446-448; III, 1 (January, 1867), 109-110; III, 3 (March, 1867), 313, 333-334; Robert McElroy, *Jefferson Davis: The Unreal and The Real* (New York and London, 1937), 524-611; Earl Noland Saucier, "Charles Gayarré, The Old Creole Historian," unpublished Ph. D. thesis George Peabody College for Teachers, August, 1933.

to bias his judgment of the workmanship. G. L. Williams considered Swinton's *Army of the Potomac* a superb work despite the author's failure to portray the characters of the great leaders. Had he given "close and critical scrutiny . . . to the detection of errors and inaccuracies, he might have been more accurate, but less just." The Army of the Potomac was great, but it never had a great commander.<sup>60</sup>

Biographical sketches, as hitherto, were of uneven merit. The author of "Louis Napoleon" found that the emperor forced fortune to favor him. Like Alexander, Peter II, Frederick II, and Napoleon I, he owed his eminence to his signal ability. William S. Elliott's "Founders of the American Union—Charles Pinckney of South Carolina," though panegyric, and poorly organized, has definite merit. The writer relied, as he had for his essay in the July-August number of 1864, on the Pinckney and Madison papers. Some of the former material may have been among the valuable Pinckney documents destroyed in the Charleston fire of December, 1861. Henry J. Morgan outlined the careers of Canadians who had achieved eminence in their respective fields of activity. R. G. Barnwell, having spent a part of his time while United States Consul at Amsterdam in the Archives in The Hague studying the "Life and Times of John De Witt," wrote a series of three articles in which he virtually lost his hero in the times. The *Quebec Mercury*, however, found at least one of the sketches commendable. The more versatile George Frederick Holmes, was more erudite, if over critical, in "Milton's Domestic Life—His Ethics of Divorce." He thought the portrait of Satan in *Paradise Lost* was drawn from the unsuspected tendencies in the poet's own nature. A man neither to be loved nor followed, Milton was admirable only in some parts of his conduct and genius.<sup>61</sup>

History was probably never better presented in the *Review* than in 1866. In the "Influence of Commerce and Finance in Determining the Revolutions of Fortune in the History of Nations", George Frederick Holmes argued, doubtless much to De Bow's satisfaction, that an understanding of trade and fiscal affairs is essential to an adequate comprehension of the evolution

<sup>60</sup> *De Bow's Review*, I, 3 (March, 1866), 225-238; I, 6 (June, 1866), 561-577; II, 2 (August, 1866), 159-172, 171-172 note; II, 4 (October, 1866), 392-396; II, 5 (November, 1866), 455-461; II, 6 (December, 1866), 582-604; III, 1 (January, 1867), 24-39; III, 3 (March, 1867), 268-273.

<sup>61</sup> *Ibid.*, I, 3 (March, 1866), 238-245; I, 4 (April, 1866), 372-378, 395-404; I, 5 (May, 1866), 515-520; II, 1 (July, 1866), 11-26; II, 3 (September, 1866), 236-250; III, 1 (January, 1867), 12-34; undated clipping from the *Quebec Mercury*.

of historical changes. Though he emphasized economic factors in interpreting and writing history, he revealed an appreciation for the intellectual viewpoint. The *Quebec Mercury* asserted that though this article was adapted to the comprehension of a child, it was "worthy of the attention of the founders of an empire". De Bow felt "quite sure" that the introductory chapter of the unpublished fourth volume of Gayarré's *History of Louisiana*, which appeared in the *Review* in two installments, would "deeply interest the student of American history in every part of the Union". Though De Bow had asserted in a leading article on Mexico published some years before the war that some "civilized" nation ought to take that country over, he argued in May, 1866, that should the United States rashly attempt to expel France, war with half of Europe would likely follow. The Fenian Movement, however, deserved American sympathy. Believing "The Causes of Commercial Greatness" were to be found in the trade relation among nations of different latitudes, H. G. Horton attempted to show that India had been the fount of all emporiums of ancient and modern times. New York City had risen to greatness because of its intercourse with the region below the Potomac, whose economy had rested on slavery. The future prosperity of both sections depended on the white man's directing the Negro's activities. James D. Noyes, in "The Old and the New", demonstrated the antiquity of many things often considered modern. Leonardo da Vinci's *camera obscura* preceded the daguerreotype. In praising Barnwell's "very interesting and learned paper" on "The Tournament", De Bow was doubtless much influenced by his regard for the author, and by the fact that the sport was "now so popular at the South". The Editor introduced extracts from George H. Moore's *Notes on the History of Slavery in Massachusetts* to make ridiculous recent assertions by Charles Sumner and John G. Palfrey that no person had ever been born into legal slavery in that state. Influenced more by its impressive research than by its discursive style, De Bow predicted that L. D. Stickney's *History of Florida* would be "one of the most valuable works in relation to that 'Land of Flowers' which has ever emanated from the press". He hoped the author's "enterprise and spirit" would be "rewarded with heavy orders. . . ." In "Seats of Civilization, Ancient and Modern: The Course of Trade", De Bow, conjecturally, reverted to a favorite thesis in contending that culture had always centered in Southern climes. Radicals should not be so influenced, he sug-



gested, by the recent tendency of commerce to favor Northern regions as to destroy a normal seat of wealth. Charles F. Schmidt, writing discursively but with considerable knowledge on the origin, present status, and bearing of monarchies and republics upon each other, asserted that inasmuch as virtue and integrity had departed from national councils, our form of government was in danger of perishing as others had before it.<sup>62</sup>

The elapse of time and the Civil War had little effect on the dominant content of the various departments in *De Bow's Review*. Having devoted much attention in the past to the agricultural staples, their mode of cultivation and value, De Bow opened his pages to American farming, but again with special emphasis on Southern crops. His "Value of Agricultural Property in the United States", one of the few original articles on the subject that appeared in the new series, reminds the reader of the statistician. Foreseeing a greater trend toward diversification, a trend which immigrants would foster, he solicited communications devoted to the development of new products, or to the improvement of those well known. He would chronicle "very faithfully" progress in farming as it was "reported by the public press."<sup>63</sup>

De Bow's requests for communications on the production and value of the staples met with comparatively little response. Always having thought that a magazine had better publish good reprints than poor original matter, he continued to fill the Agricultural Department chiefly with "selected," and occasionally already widely read articles. Cotton was easily the premier staple in the *Review*. Extracts, some communications, and compilations of the Editor dealt with its costs, profits, management, statistics, forecasts, proposed export tax, foreign competition, resources in the South, and the Sea Island product. Sugar, grain, agricultural machinery, tobacco, and pine forests were treated much less adequately.<sup>64</sup>

Trade was still king in the *Review*. De Bow's "American Commerce—Its Progress and Development" in five parts was marked, the *Courier and Union* (Syracuse, N. Y.) thought, by "great learning, eloquence and research." No merchant who

<sup>62</sup> *De Bow's Review*, I, 3 (March, 1866), 256-266; I, 4 (April, 1866), 337-352; I, 5 (May, 1866), 449-465, 474-488, 520-524; II, 1 (July, 1866), 1-10; II, 2 (August, 1866), 113-123; II, 3 (September, 1866), 296-298; II, 4 (October, 1866), 382-392; III, 2 (February, 1867), 125-128, 146-156; undated clipping from the *Quebec Mercury*.

<sup>63</sup> *De Bow's Review*, I, 1 (January, 1866), 100; I, 2 (February, 1866), 194.

<sup>64</sup> See especially the Agricultural Department in the *Review* from January, 1866 to March, 1867.

desired "fully to appreciate the dignity of his calling should fail to read them all." Quoting various government surveys, De Bow discussed "Our Mexican Frontier: Its Commerce, etc." He was interested in the Rio Grande Valley, its resources and extent, partly because of its bearing on his favorite railway route to the Pacific. W. A. Benthuyssen's essay on the petroleum industry evinced an appreciation for that new business. Having, "from 1845 to very nearly the present time," presented the annual reports of the trade of New Orleans more carefully, minutely, and regularly than those of any other city, the Editor resolved to leave out nothing of importance. He had emphasized the enterprise of the emporium partly because his chief source, the "venerable" *Prices Current*, was "one of the ablest publications of its kind in the world." But the broader field would not be neglected. For nearly twenty years he had "regularly incorporated, from month to month the great results of American commerce, foreign and domestic, for the nation at large and for each of its states and cities, and shall continue these labors in the future, omitting but little that is worthy of preservation." Nor would he neglect "the questions of commerce in countries tributary to our own in every part of the world." He proposed also "to furnish a monthly statement of the financial and commercial movements from day to day and week to week, in the great cities of the Union."<sup>65</sup>

De Bow's conception of what constitutes valuable trade data and how to present them, had undergone no change. Thus the *Review* for January, 1866, showed in tabular form and for varying periods in the 1850's and 1860's the arrivals of river and ocean-going vessels at New Orleans, the value of imports, and the cotton, sugar, and tobacco trade of the city. He exhibited in similar fashion, but in less detail, the sperm oil business, the cotton trade of Great Britain, and the commerce of Cincinnati, Baltimore, and New York.

In addition to the trade of important cities and that in the staples, he presented that of the United States and the countries with which this nation maintained important commercial relations. Nor did he neglect potentially significant regions—the "Sandwich Islands," British North America, Brazil, Africa—and commodities considered worthy of more attention—pork, whale

<sup>65</sup> *De Bow's Review*, I, 1 (January, 1866), 48-50, 94-100; I, 2 (February, 1866), 200; clipping dated March 10, 1866, and an undated extract from the *Mercury*.

fisheries, and the Southern lumber business. In keeping with his former practice, he directed attention to such apposite topics as the working of the internal revenue system, business failures, operations of the mint, steamboat explosions, and direct trade between the South and Europe.<sup>66</sup>

Perhaps more completely than hitherto, railroads dominated the "Internal Improvements" department of the *Review*. The Editor was especially eager for the relatively inaccessible information on the conditions, needs, resources, and debts of Southern roads. Beginning with data on British railways from 1848 to 1865: their growth in mileage and capital stock, their passenger traffic and operating expenses, and their gross and net receipts, he introduced details as they became available on those of the South. In this "Department" as in others of the magazine, however, the contents consisted largely of "selected" material. A flood of extracts dealt with losses, conditions, prospects, restorations, profits, expenses, and mileage, and the relation of railway facilities to the population and wealth of states and regions. The Editor found space also for facts about individual roads, and the aspirations of various promoters. The Southern Pacific, with its various links, was the favored project.<sup>67</sup>

In the "Department of Industry and Enterprise," the Editor proposed to embrace "descriptive sketches," "elaborate or brief," as circumstances warranted, of "the great manufacturing establishments, foundries and workshops of the country, chiefly of the South. . . ." He would present, in one or two pages in each issue, woodcuts and engravings along with historical notes. But after an ambitious start, with "The Piano Forte Manufactory of Knabe and Company, Baltimore," and a briefer statement about Grover and Baker's sewing machines, these "reading notices," a major type of abuse in post-bellum advertising, disappeared from the *Review*.<sup>68</sup>

Though the "Department of Manufactures," to which mining was sometimes added, consisted almost entirely of extracted material, General Charles T. James's "Cotton Manufactures: Great Field for the South," written some years earlier, and the Editor's "Manufactures: The South's True Remedy" were signifi-

<sup>66</sup> See the Commerce Department of the *Review* from January, 1866 to March, 1867.

<sup>67</sup> See Department of Internal Improvements of the *Review* from January, 1866 to March, 1867.

<sup>68</sup> *De Bow's Review*, II, 1 (July, 1866), 71-73; II, 2 (August, 1866), 213; II, 6 (December, 1866), 648-649.



cant original contributions. The Murfreesboro *Monitor* and the *Southern Cultivator* agreed that James had condensed all that was "interesting and valuable" upon the subject. The *Mobile Nationalist* hoped every Southern man would read it, and that it would be followed by many more of "equal ability and more freshness." The paper thought, however, that the data in the *Review* on mineral deposits were inadequate and those on factories should be "more practical." By displaying information on the industrial enterprise of cities in various sections, the prospects for heavy dividends from New England factories, and the "Costs and Profits of Cotton Manufacturing," De Bow hoped to encourage his compatriots and Northern capitalists to exploit the raw materials of the region—cotton, "The Iron and Coal of Alabama," the "Gold Mines of Virginia," the "Mineral Wealth of Louisiana," the "Oil . . . of Tennessee and Alabama," and "The . . . Gold Regions of Georgia."<sup>69</sup>

De Bow early came to the conclusion that emancipation had raised questions important enough to warrant his giving the freedmen a department in the *Review*. This division comprised such selected material deemed worthy of preservation as the Freedmen's Bureau Bill, and other statutes relating to the Negro, reports and opinions of Bureau officials and other observers of the workings of emancipation, excerpts from Northern papers, and education of ex-slaves.<sup>70</sup>

The "Department of Miscellany" consisted mainly of selected material that properly belonged elsewhere. In addition, however, it offered the reader statistical data on population, government finance, production of coal and iron, national banks, and "War and Carnage." Miscellaneous interests of Editor and readers, and doubtless availability of material, rather than a propensity for indiscriminate scissoring, account for such excerpts as "French Enterprise in Virginia," "Coolies as Substitutes for Negroes," and "Reminiscences of Charleston." The prosaic economist and statistician could go into ecstasies over achievements in the "alluring field of science." The laying of the Atlantic Cable was

The grandest, the vastest conception of the age . . . —a girdle has been put around the globe in reality as in poetry, and the civilization of the Old and New World, . . . had

<sup>69</sup> See the *Review* for June and July, 1866, and for January and February, 1867.

<sup>70</sup> See the Department of the Freedmen in the *Review* from March, 1866 to March, 1867. The *Nation*, beginning in 1865, presented Northern views in its "The Freedmen."

communion with each by an electric spark! Glorious consummation. . . . Limit not again the achievements of the energy, the enterprise and the daring spirit of our age and country. . . . Fact is here beyond all fiction. Given the cable and there is no difficulty at all about the railroad.

Worthy of the great work is the first message which leaps from Continent to Continent. *Peace prevails in both.*<sup>71</sup>

The "Department of Education" re-emerged in the *Review* with the issue for October, 1866. In this section the Editor would call attention to the activities of the larger institutions in the South as rapidly as he received the necessary information. Carrying out this policy, he gave the claims to patronage of some fourteen colleges and universities. He hoped they would increase their usefulness by introducing the study of modern languages. Was the College of Charleston not doing this, he asked? He was gratified with the evidence of deep and growing interest in public education in the South, with the rapid recovery of the University of Virginia and other higher institutions, and with the fact that the Southern University series would supply texts adapted to the needs of the section.<sup>72</sup>

The reception accorded the Revised or After the War Series of the *Review* is indicated by the circulation and by the comments in the press. The Editor was careful to send his journal to "all the Southern" and to many Northern newspapers, because the "exchange list will repay the expense all things together even if they only notice once or twice a year and all [in the South] do that at least." Both the Editor and his brother preserved all notices that they considered "valuable for the *Review*."<sup>73</sup>

Extant extracts illustrate the generally favorable attention the monthly attracted. The *Lycoming Gazette* (Williamsport, Pennsylvania) thought De Bow's was "one of the ablest conducted Reviews ever published, treating upon topics of general interest in a manner calculated to leave a strong impression, as its productions came from representative men in the varied fields of investigation." It had "always ranked among the first in point of ability and power. Free from that narrow warping influence that weakens the power and natural strength of the North American and National Quarterly, it possesses quite as much

<sup>71</sup> *De Bow's Review*, II, 3 (September, 1866), 331.

<sup>72</sup> *Ibid.*, II, 4 (October, 1866), 429-430; II, 5 (November, 1866), 535-537, 560; II, 6 (December, 1866), 605-609; III, 1 (January, 1867), 93-94; III, 3 (March, 1867), 318.

<sup>73</sup> James to Frank, December 29, 1865, (September?), 1866. In The University of Texas Library.

ability, using its influence, however, in a wider sphere, that recognizes no dividing lines."<sup>74</sup> The *Portland Oregonian* and the *Leather Reporter* (Boston) agreed that the new series was conducted with vigor and ability. The "excellent periodical" won the best wishes of the *Syracuse (New York) Weekly Courier and Union*. A Delaware journal, however, regretted that the "Review and its able editor . . . [had] arrayed themselves on the side of what is now strangely called conservatism." Southerners should accept the results of the war. Though the monthly had been managed by one who had been "heart and soul with the rebellion," the *Hartford Daily Post* believed it saw in the publication "a little improvement . . . [and less] of the fire eating spirit . . . , [but its readers should] rest assured that it is as yet far from the demands of the spirit of our time."<sup>75</sup> But the "always valuable" work improved, the *Post* thought. Its articles, "couched in language at once moderate and elegant" and "especially adapted to the time," developed topics of the highest moment. Its facts were as pertinent as its arguments were unanswerable. The newspaper knew of no publication that could take its place on the table of the general reader, the statistician, or the statesman. Sound, sensible, and patriotic, the work deserved a large national circulation. Its "prosperity and consequent influence" would very materially benefit the people and the whole country.<sup>76</sup>

Equally enthusiastic, the *Quebec Mercury* regarded the *Review* as "one of the most extraordinary condensations of valuable and varied knowledge admirably conveyed" it had seen. The monthly was to "the *cuisine* of the mind as well condensed potable soups are to that of bodily ailments, while refinement of expression and a high moral tone add to the merits of . . . [the April] number which no magazine of the day surpasses in usefulness and in interest."<sup>77</sup>

A prominent lawyer of Salem, Massachusetts, doubtless expressed the sentiments of many Northern conservatives when he stated that his section had "much felt the want of some such periodical . . . for the past few years." The once-conservative *North American Review*, he complained, had been subsidized and

<sup>74</sup> Clipping dated February 22, 1866.

<sup>75</sup> Undated clippings from the *Oregonian* and the *Leather Reporter*; *Weekly Courier and Union* for March 10, 1866; undated clippings from an unidentified Delaware journal; undated clipping from the *Daily Post*.

<sup>76</sup> *Daily Post*, April 3, 1866.

<sup>77</sup> Undated clipping.



the *Atlantic* and *Harper's* were extremist.<sup>78</sup> But Radicals of the North were unable to forgive De Bow's past offenses.

Appraisals of the monthly by Southerners were generally less objective and specific; less indicative of its intrinsic merit than of the bases of its popular appeal. The "celebrated Review," with its "able and varied" contents was "replete with interest" for the Charleston (South Carolina) *News*. A Selma, Alabama, paper asserted that no periodical contained more general "information alike valuable to the merchant, banker, professional man, capitalist and citizen." In the opinion of the *Norfolk Virginian*, the "admirable work" was "indispensable" for any man who would "keep himself informed of the resources, growth, development and prospects of the country." It "eminently" deserved success. The *Review* was an old favorite, the *Savannah Daily Advertiser* stated, among "merchants and commercial men."<sup>79</sup>

A Nashville paper found the August number "most excellent." It was "a peculiarity of this Southern journal that it has a solid body . . . and bears on its face and in its form the appearance of health and vigor. We never see in it big lettered boasts about 'the best intellects of the South' writing for it, 'but its contributors are allowed to speak for themselves.' The newspaper commended the monthly to all those who wanted "a good, sensible magazine, thoroughly Southern in the higher and better sense, and always filled with solid and substantial reading." Other journals, impressed by the amount of its "practical, valuable information," ranked it among the "very best" in the country.<sup>80</sup>

Some Southerners were critical of the new *Review*, disliking its "talk of *Nationality*," and its editor's departure from "the faith." The Radical Republican Mobile *Natoinalist*, however, had regarded the monthly as the most ultra, but the ablest, in the South. Though there was less bitterness in the new series, there was "still room for improvement. . . ." The Editor seemed to have "honestly accepted the abolition of slavery," and to have been "desirous of a thorough re-orgnaization of the industrial system, to adapt the South to its changed institutions. . . ." He showed

<sup>78</sup> Quoted in *De Bow's Review*, II, 1 (July, 1866), 107.

<sup>79</sup> Clippings: Charleston *News*, December 11, 1865; a Selma paper, December 13, 1865; *Norfolk Virginian*, December 19, 22, 1865; *Daily Advertiser*, undated.

<sup>80</sup> Undated and incompletely identified clippings; *Family Friend* (Monticello, Florida), April 21, 1866.

evidence of knowing that the opening of mines and the building of manufactures were "among the most important subjects for Southern consideration." The departments of agriculture and commerce were good but inadequate. The *Nationalist* approved the preference for good extracts to poor original matter, but it objected to Lieutenant Maury's "puffs on Mexico and to General Banks' bumcombe speech on American industry," partly because they had already been widely circulated. The June number had only two articles that threw any light on the industrial problems of the age. But the spirit of the work was improving.<sup>81</sup>

Individual Southerners were lavish in their praise. Robert E. Lee was happy to learn that De Bow had re-established his "valuable Review upon a large and liberal basis." He hoped the Editor would be able to aid in the restoration of the South. "You will have my hearty co-operation in my individual capacity."<sup>82</sup> Others, gratified by the course De Bow had followed "politically since the War," or merely elated over the reappearance of the journal, offered good wishes and assurances of continued support. One admirer pointed out that *De Bow's* was "the only periodical that had [had] a marked and lasting success in the South, . . . so unpropitious to such publications. To have single-handed made this work successful during a quarter of a century, . . . [was] a prodigious achievement." Its files were "a vast repository of the most varied information concerning the Southern States in particular." It would "transmit De Bow's name to posterity." William Gilmore Simms complimented the Editor upon the "spirit and management" of the work.<sup>83</sup>

Thus in the opinion of many contemporary authorities the After the War Series under De Bow's guidance was a highly meritorious publication.

After the death of the Editor on February 27, 1867, and that of his brother Frank on March 25 following, the *Review* was continued by Mrs. J. D. B. De Bow and edited by R. G. Barnwell, the indefatigable agent, and Edwin Q. Bell, Frank's brother-in-law. Though the new leaders sought to carry out their predecessor's policies, "the confusion consequent upon the double

<sup>81</sup> Undated clipping; *De Bow's Review*, I, 3 (March, 1866), 331.

<sup>82</sup> *Ibid.*, I, 3 (March, 1866), 331.

<sup>83</sup> *Ibid.*, I, 6 (June, 1866), 506; A. Bradford to De Bow, May 9, 1866; John Mc Rae to De Bow, April 20, 1866; Simms to De Bow, August 1, (1866?); W. L. Oldham, January 8, 1867.

affliction which deprived the Review of both its literary and business head, within the short space of a single month," resulted in the April number, the first for which Barnwell and Bell were mainly responsible, being delayed and then united with that for May in a single issue.

Though the future of the journal was indefinite, subscribers were assured that it would not be allowed to perish. The law required, however, that it should be offered for sale. Consequently, bids were invited for the work, its title and good will, subscription list and effects, but only from those who were "willing to continue its publication with substantially the same general principles and policy" as had governed its conduct in the past.<sup>84</sup>

Meantime, Barnwell and Bell, who had been "more or less identified" with the enterprise for twenty years, would manage it for Mrs. De Bow and her children. The new proprietors hoped that "a long and intimate acquaintance with the routine of the sanctum and of the office, together with a large experience with the tastes and predilections of readers," would enable them to serve its patrons acceptably.

But inasmuch as "The whole machinery of the office" had been "fearfully jarred by the shock of a double bereavement," the April-May issue was hardly up to past standards. Still the Editors "hoped that the variety of original and eclectic matter would please, and that in the arrangement of the departments, the miscellanies and the statistics, patrons would be reminded, if faintly, of the master spirit, under whose tuition our Junior [Bell]—who prepared these matters—did many years of service."<sup>85</sup>

The chief difficulty that now plagued the enterprise, Bell said, was the want of writers. "We have not, at this moment, a single page of original contributed matter on hand for the next number" touching on questions affecting Southern policy. But a month later there was evidence that the want was being met. The times, however, were difficult for such a concern. Barnwell's limited competence and Bell's preoccupation with his banking affairs, were other factors that doubtless encouraged Mrs. De Bow to dispose of the enterprise. Consequently,

<sup>84</sup> *De Bow's Review*, III, (January-June, 1867), title pages; 384-390; III, 6 (June, 1867), 547-556, 599.

<sup>85</sup> *Ibid.*, III, 3 (April-May, 1867), 484.



William MacCreary Burwell acquired the property in March, 1868. The new editor and proprietor moved the journal to New Orleans, where through the remainder of that year and the next its undistinguished issues appeared without a break. Materials, much of it selected, relating to the war, Reconstruction, and economic topics were presented rather unsympathetically. Commercial and industrial news, statistics and general information were treated much less adequately than formerly. Signs of difficulty, dearth of contributors, and a confused series of double numbers, began to appear in 1870. Though the Editor claimed a list of 3,000 and exhibited an adequate quantity of advertisements, the now mediocre publication was suspended after the July number.

L. Graham and Company revived the journal in October, 1879, issuing in that year, under Burwell's editorship, three numbers, of the same cast as those of a decade earlier, and a final one in June, 1880. The tottering *Agricultural Review* of New York early in 1884 acquired the property, consisting chiefly of good will, and then perished within the year. So ended the career of the monthly, distinguished as a framer, champion, and interpreter of Southern social, economic, intellectual, and political institutions, and aspirations.

## WILLIAM PITT KELLOGG, RECONSTRUCTION GOVERNOR OF LOUISIANA, 1873-1877\*

By JOHN EDMOND GONZALES

### CHAPTER I

#### A CARPETBAG GOVERNOR IN THE MAKING

In November of 1915 William Pitt Kellogg, the governor of Louisiana during four years of reconstruction, was interviewed by a reporter of the *Nation*. At this time Kellogg was a man eighty-five years of age living in retirement in Washington, D. C. The reporter wrote of him as follows:

The news that reaches us from day to day about the progress of affairs in Mexico and Haiti with Governments organized under the auspices of the United States, must make interesting reading for one resident of the District of Columbia. You would hardly think, to look at him, that he would find anything absorbing in the details of riots and revolutions, fugitive rulers, and *de facto* uncertainties. In his unpretentious bearing, his serious face with its frame of white hair and almost white moustache, his broad-brimmed soft hat, demure suit of black, and generally clerical presence, your shrewder guess would be that he was a professional man from the near South—a minister of one of the pioneer churches, a family doctor, or an instructor of youth on vacation, and you would be inclined to skepticism when told that he is one of the politicians who have made real history; a man without whose aid the Republican party would have gone out of power when Grant quitted the White House, and who, during Arthur's Administration, might have made Congress wholly Democratic if at one juncture the President had rebuffed his overtures. He is none other than William Pitt Kellogg, the star actor of the reconstruction drama in Louisiana.<sup>1</sup>

In order to understand how a man such as Kellogg could merit such remarks it is necessary to reconstruct the story of his career and examine carefully the events of the period which he dominated politically.

Born on December 8, 1830, in Orwell, Vermont, William Pitt Kellogg was a direct descendant of Joseph Kellogg who settled at Farmington, Connecticut, about 1651.<sup>2</sup> His father,

\* Master's thesis in *History*, Louisiana State University, 1945.

<sup>1</sup> "William Pitt Kellogg," *Nation* (New York), CI, 568, (November 11, 1915).

<sup>2</sup> Ella Lonn, "William Pitt Kellogg," in Dumas Malone (ed.), *Dictionary of American Biography*, 20 vols. and index (New York, 1928-1936), X, 305. Hereafter cited as *Dictionary of American Biography*. Some sources give the year of Kellogg's birth as 1831.

Sherman Kellogg, was a Congregational minister,<sup>3</sup> and his mother before her marriage was Rebecca Eaton.<sup>4</sup> Kellogg received his education at the Norwich Military Institute in Vermont.<sup>5</sup>

In 1846 Kellogg's family moved from Vermont to Barton, Illinois. Shortly after this transfer his father died, and Kellogg was thrown upon his own resources.<sup>6</sup> While teaching school in Peoria county for two winters, Kellogg studied law in his free hours and was able to pass his bar examinations in 1853, practicing for the first few years in the town of Canton, Fulton county, Illinois.<sup>7</sup> He steadily gained in favor with the people of the state, and on May 20, 1856, he went to the convention in Bloomington as one of the five delegates from Fulton county. This was the convention at which the Republican party of Illinois was organized.<sup>8</sup> Stumping the state during these years,<sup>9</sup> Kellogg was able to make himself important enough to be elected as a delegate to the National Republican Convention in 1860. In this election he was a presidential elector for Lincoln.<sup>10</sup>

On March 25, 1861, Kellogg was appointed by Lincoln to the highest judicial position in the Nebraska Territory, Chief Justice.<sup>11</sup> Other Republicans desired this office, but Kellogg was the successful candidate. This was a political reward for his constant support of the Republican party. By July of 1861 Kellogg was sent for by the Governor of his native state, Richard Yates, and asked to raise a regiment of cavalry. Securing a leave of absence for six months, which was renewed several times, Kellogg organized the 7th Illinois Regiment composed for the most part of farmers who owned their own mounts. An enviable record was made by this group.<sup>12</sup>

Kellogg participated in the Civil War in name only; his opponents in Louisiana later attacked him as a "phoney" officer who had never braved the perils of battle. The first command

<sup>3</sup> Alcée Fortier (ed.), *Louisiana: Comprising Sketches of Parishes, Towns, Events, Institutions, and Persons, Arranged in Cyclopedic Form*, 3 vols. (Century Historical Association, 1914), I, 605. Hereafter cited as Fortier, *Louisiana*.

<sup>4</sup> *Dictionary of American Biography*, X, 305.

<sup>5</sup> *Ibid.*

<sup>6</sup> *New Orleans Times-Picayune*; August 11, 1918. Some sources give the date of Kellogg's removal to Illinois as 1848.

<sup>7</sup> *The National Cyclopedic of American Biography*, 30 vols. and index (New York, 1898), X, 82. Hereafter cited as *National Cyclopedic*. Some sources give the dates as 1852 and 1854 for his admission to the bar.

<sup>8</sup> *Times-Picayune*, August 11, 1918.

<sup>9</sup> Theodore Calvin Pease and James G. Randall (eds.), *The Diary of Orville Hickman Browning*, 2 vols. (Springfield, 1925), I, 337.

<sup>10</sup> *Dictionary of American Biography*, X, 305.

<sup>11</sup> *A Biographical Congressional Directory (1774-1911)*, 774; Harry J. Carman and Reinhard H. Luthin, *Lincoln and the Patronage* (New York, 1943), 169.

<sup>12</sup> *Times-Picayune*, August 11, 1918.



which he held was at the military post at Cape Girardeau, Missouri. After serving under General John Pope in Missouri until the evacuation of Fort Thompson, he took command of a cavalry brigade composed of his own regiment, the 3d Michigan, and a part of Grierson's cavalry, at Corinth, Farmington and Grand Junction. In July of 1861 Kellogg's health failed, and he resumed his duties as Chief Justice. Later, in 1863, Governor Yates ordered Kellogg to accompany him on a tour of Illinois soldiers in the field. Kellogg was placed again on military duty when General U. S. Grant commissioned him at Vicksburg to carry important dispatches to Washington.<sup>13</sup> This was probably the beginning of the association of these two men that was to become so pronounced during the period when both were possessors of executive power. For his services in southern Mississippi and in the Corinth campaign Kellogg was made a Brigadier General, an advancement in rank from that of Colonel which he held at the beginning of the war.<sup>14</sup>

On April 13, 1865, President Lincoln appointed Kellogg as Collector of the Port at New Orleans. This was the last civil communication signed by Lincoln before he was assassinated and the first Collector of the Port to be appointed after the war.<sup>15</sup> This position was secured for Kellogg largely through the efforts of Governor Richard Yates and Senator Lyman Trumbull of Illinois. Kellogg's Illinois backers got the appointment over the opposition of the Minnesota delegation who tried to put one of their own "hacks" in the place.<sup>16</sup>

Kellogg rapidly rose to power in Louisiana. By 1868 he was an established political figure. In that year he was a delegate at large to the Republican presidential convention at Chicago that nominated Grant,<sup>17</sup> and the Louisiana legislature elected him to the United States Senate.<sup>18</sup> Some Radicals resented the election of Kellogg as senator because they desired the position for themselves.<sup>19</sup> There was hope for the Democrats in Louisiana in his election, believed one Democratic organ, the New Orleans

<sup>13</sup> *National Cyclopaedia*, X, 82.

<sup>14</sup> Charles Lanman, *Biographical Annals of the Civil Government of the United States During Its First Century* (Washington, 1876), 236. Hereafter cited as Lanman, *Biographical Annals*.

<sup>15</sup> *Who Was Who in America: A Companion Volume to Who's Who in America* (Chicago, 1942), I, 663.

<sup>16</sup> Letter of A. G. Henry to his wife, March 13, 1865, in Harry E. Pratt (ed.), *Concerning Mr. Lincoln: In Which Abraham Lincoln Is Pictured as He Appeared to Letter Writers of His Times* (Springfield, 1944), 118.

<sup>17</sup> Arthur Meynier, Jr. (ed.), *Louisiana Biographies* (New Orleans, 1882), I, 53.

<sup>18</sup> John Rose Ficklen, *History of Reconstruction in Louisiana (Through 1868)* (Baltimore, 1910), 204. John S. Harris was elected for the term to expire March 4, 1871. Kellogg was elected for the term to expire March 4, 1873.

<sup>19</sup> *New Orleans Times*, July 1, 1868. Thomas J. Durant was especially bitter. Michael Hahn and William L. McMillen were candidates too.

*Daily Picayune:*

So the Democrats, knowing the impossibility of electing one of their faith, apprehending that men might be elected, whose course in Congress would always be Radical in the extreme, finding that there was great dissatisfaction with the caucus nomination of Judge Kellogg, and that it might be overthrown, gave it such opposition, as secured it the most unanimous and well clenched support of the majority.

Judge Kellogg is doubtless a Republican, but he is exceedingly conservative in his tendencies, and has carefully kept aloof from the whirlpool of politics which has drawn so many into its vortex during the past year or two, in which he has been in our State. There was good excuse for this, in the fact that he was a Federal officer; but he was an exception in this respect, in both modesty and moderation, if such were the causes of it. There was better excuse in that he had not yet announced himself to be a citizen of Louisiana, whatever might have been his intentions as regards change of domicil. Yet we presume the real reason was that he felt no such ardent partisanship for the Republican side that he should shout forth its slogan.<sup>20</sup>

The credentials of Kellogg and Harris were presented by Senator Trumbull on July 17, 1868, and they were seated on the same day to take places unoccupied by Louisianians since John Slidell and Judah P. Benjamin had left the Senate.<sup>21</sup>

While in the Senate Kellogg took an active part in various affairs. He became chairman of the Committee on Levees of the Mississippi River, and served as a member on the Committees on Commerce and Pacific Railroads.<sup>22</sup> In reviewing Kellogg's work while in this body one Republican said he paid more attention to the "matters of internal improvement and the improvement of commerce and the material interest of the state than to politics."<sup>23</sup>

The hope of the Democrats that Kellogg would be conservative proved false for he identified himself with the ultra Radicals in Louisiana. The *Picayune* in 1872 reviewed his career as senator and condemned him:

Such was the Body [legislature of 1868] which sent Mr. Kellogg to Washington. . . . Had his former record been angelic, his commission from that source was enough to

<sup>20</sup> New Orleans *Daily Picayune*, July 18, 1868.

<sup>21</sup> *Congressional Globe and Appendix*, 40 Cong., 1 Sess., 4151.

<sup>22</sup> *National Cyclopaedia*, X, 82.

<sup>23</sup> New Orleans *Republican*, June 27, 1871.

infect him and taint his career as long as he continued to impersonate the unscrupulous and unrelenting party spirit and party organization which he was sent to Washington in reality to represent.

And it must be conceded that Mr. Kellogg has been faithful to the party policy which was illustrated by his entrance into Congress as Senator from Louisiana. With only a constructive domicile in the State, he has labored with rare skill and efficiency in maintaining the closest disciplinary relations between the Northern body and centre of his party and its Radical appendage in this State.<sup>24</sup>

Although elected, through the efforts of Governor Henry Clay Warmoth and by his legislature in 1868, Kellogg made a definite break with the governor and in a mass meeting on June 26, 1871, definitely and openly allied himself with such ultra Radical Republicans as Oscar J. Dunn, C. W. Lowell, J. Hale Sypher, James H. Ingraham, J. R. G. Pitkin, W. E. Howe, and S. B. Packard. Kellogg allied himself with this group probably in order to gain more personal power. At this meeting Kellogg was called "faithful among the faithless" by Oscar J. Dunn who led the opposition to Warmoth. At this same meeting, which was called primarily to honor Kellogg, he advocated universal amnesty and warned the Republican party that they must not rely on their past merits but inaugurate a more vigorous program of working with the Negroes in the betterment of their living and working conditions. Kellogg presented the fact of the possibility of Democratic programs of a similar nature to challenge Republican ascendancy.<sup>25</sup> This break between these two leaders in Louisiana complicated further the dark days of reconstruction ahead. From 1872 to 1877 Kellogg had to fight Warmoth who supported his opponent for the governorship, John McEnery. Warmoth tried every fair and foul method to overthrow the Kellogg government and install McEnery as governor.

In 1872 Kellogg's support of the Force Bill and his attack on the Liberal Republicans brought forth a fresh storm of protest which gathered intensity as he was swept into the executive chair.<sup>26</sup> Kellogg brought his Senate term to an abrupt end by

<sup>24</sup> *Daily Picayune*, October 31, 1872.

<sup>25</sup> *Republican*, June 27, 1871.

<sup>26</sup> *Ibid.*, May 10, 14, June 11, 12, 1872.



his resignation on November 1, 1872.<sup>27</sup> He now tried to take over direct control of the state through conquest of the executive position. But the election of 1872 was to be one of the disputed elections in the state's history and one whose results were never weighed with any degree of fairness.

## CHAPTER II

### KELLOGG AND THE ELECTION OF 1872

Louisiana in 1872 presented a complex political picture. The state was a scene of factional quarrels with various groups striving for political control. By August these divergent factions had crystallized into two parties. Originally there had been five distinct groups. The struggle within the Republican party for power and the desire of the Democrats to find a combination that would defeat the Republicans made inevitable this split. The elements of the Republican party were no longer content to work together; they desired power for themselves as separate entities. The events of the four years of Warmoth's administration tended to accentuate the lines of demarcation in Louisiana political circles so that by 1872 these factions had definite names as well as aims: Liberal Republican or Warmoth faction, Custom House or Radical Republicans or Packard group, Pinchback followers, and Reform party.

The Reform party was one of the first to appear in the field; by June it had nominated as its candidates for governor and lieutenant governor George Williamson of Shreveport and B. F. Jonas of Orleans, respectively. This party had its inception as early as December, 1871. It was composed for the most part of old Whigs and prominent citizens opposed to the Slidell democracy who were willing to subordinate party names and party considerations to the reform of alleged existing abuses in the state government.<sup>1</sup>

<sup>27</sup> The following quotation from the *St. Louis Republican* appeared in the *New Orleans Republican*, May 21, 1872:

Kellogg is a worn out political bummer from Illinois, who having turned the stomachs of his constituency there, was set adrift as a nuisance and naturally found his way South as an exponent of Radical loyalty. A carpet-bagger of the first order, he managed the wires with sufficient shrewdness to get himself chosen Senator from Louisiana, and now claims to represent a State within whose precincts he would not have been deemed worthy to be justice of the peace a dozen years ago. The black guardism we have quoted is a very fair illustration of the character of this sweet-scented son of reconstruction. The Kellogg tribe are more numerous than the fleas in Rome, but we imagine they will be thinned out considerably after next November.

<sup>1</sup> *Appleton's Annual Cyclopaedia and Register of Important Events of the Year 1872* (New York, 1873), 474, 478. At the meeting of the Reform committee on February 17, it was decided the convention would be held in New Orleans on April 23; however, a meeting of the committee on March 12 postponed the convention to June 4, at which time the nominations were made.

The Democrats in February through their state central committee set April 18 as the date of their convention, however, no nominations were made at the convention on this date because they probably wanted to see what action would be taken at the national convention of Liberal Republicans held at Cincinnati. The body adjourned to June 3. At this meeting the Democrats tried for six days to effect a union with the Reform party. When this failed, they selected their own ticket. John McEnery of Ouachita was designated as the candidate for governor, and B. F. Jones of Orleans for lieutenant governor.<sup>2</sup>

Henry Clay Warmoth, the governor of Louisiana at this time, led the banner of the Liberal Republican cause in the state against the Custom House Republicans.<sup>3</sup> This group under Warmoth's leadership held their convention in New Orleans on August 5. A committee of thirteen was appointed to confer with the Democrats and the Reformers. Finally a merger was achieved, and the Democratic-Liberal Republican-Reform ticket in the November election was headed by John McEnery for governor and D. B. Penn for lieutenant governor.<sup>4</sup> This union was prompted by the desire to have an organization strong enough to defeat the opposition.

P. B. S. Pinchback, the Negro leader, had allied himself with Governor Warmoth at the Turner Hall convention in 1871. Then the Custom House followers, seeking power for themselves, broke away from the governor, thus creating two Republican parties in Louisiana. In the early months of 1872 Pinchback left Warmoth when Warmoth announced that he would support the Liberal Republican nominee, Horace Greeley, for president of the United States.<sup>5</sup> This Pinchback wing of the Republican party met in the Mechanics Institute on May 28 but adjourned after two days to meet at Baton Rouge on June 19.<sup>6</sup>

The Custom House Republicans led by S. B. Packard met first in New Orleans on April 30 to elect delegates to the National Republican Convention.<sup>7</sup> The Republican State Convention met at Baton Rouge on June 19. There were others at the convention

<sup>2</sup> *Annual Cyclopaedia*, 1872, 474-475, 477-478.

<sup>3</sup> Frances Byers Harris, "Henry Clay Warmoth, Reconstruction Governor of Louisiana" (M. A. thesis, Louisiana State University, 1943), 172.

<sup>4</sup> *Annual Cyclopaedia*, 1872, 480; *Daily Picayune*, August 30, September 6, 1872.

<sup>5</sup> Agnes Smith Grosz, "The Political Career of Pinckney Benton Stewart Pinchback," in *Louisiana Historical Quarterly*, XXVII (1944), 544-545, 551-552.

<sup>6</sup> *Annual Cyclopaedia*, 1872, 476.

<sup>7</sup> *Ibid.*, 475.

desirous of receiving the nomination, but it was generally recognized that Senator William Pitt Kellogg would be the nominee.<sup>8</sup>

Reporters present at the convention agreed that there were many illegal deals engaged in by all those present.<sup>9</sup> To a reporter of the New Orleans *Republican* the convention seemed a cut and dried affair, and he deplored the efforts which had been made to keep it from appearing in this light. "There is not the slightest doubt that a majority of the delegates were elected with the understanding that they were to vote for Kellogg. They hang too well together to permit any other supposition," remarked this same reporter.<sup>10</sup> The delegates felt the presence of the president of the United States, U. S. Grant. Kellogg was said to have been "driven by special grace to his most persistent highness Ulysses I."<sup>11</sup> Baton Rouge was described as hot, crowded, and full of people with belligerent minds and loads of whiskey.<sup>12</sup>

On the opening night of the convention before his name was put in nomination, Kellogg made a speech to the assemblage:

. . . Kellogg rose and by way of exordium, intoned a requiem to the late O. J. Dunn. He fairly blazed in Fourth of July rhetoric over Gen. Grant, gave Warmoth a backhander, said that the soul of the American people was marching on, switched off into the reconstruction laws, where he got bogged, but safely pulled through with a tribute to Lincoln. With a well pointed warning against cherishing hostility to the white race, which should be compelled to respect the rights of the black, he at last gave up the oratorical ghost. Some portions of Kellogg's speech were very eloquent, betraying both force and study. He was repeatedly and rapturously applauded.<sup>13</sup>

Finally, after the first few days of intrigue, the convention settled down to the task of voting. The balloting for governor was as follows:

First ballot: Kellogg, 128; Billings, 103; Mary, 58.

Second ballot: Kellogg, 140; Billings, 111; Mary 39.

Third ballot: Kellogg, 147; Billings 103; Mary, 39.

Having secured a majority, Kellogg was the nominee.<sup>14</sup>

<sup>8</sup> *Republican*, June 20, 1872. E. C. Billings, Aristide Mary and A. C. Beleden were also prominent as candidates for the nomination.

<sup>9</sup> *Ibid.*, June 21, 1872; *Times*, June 20, 1872.

<sup>10</sup> *Republican*, June 21, 1872.

<sup>11</sup> *Ibid.*, June 22, 1872.

<sup>12</sup> *Times*, June 20, 1872.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*, June 25, 1872.



The convention then proceeded to ballot on nominees for other state offices. With some opposition the other Custom House candidates won out. C. C. Antoine, a Negro of Shreveport, whose name was a symbol for the corruption of the Republican party in Louisiana, was chosen as candidate for lieutenant governor. Oscar C. Blanding, a former tax collector and assessor and Custom House follower after his removal from office by Warmoth, because the nominee for Secretary of State. Charles Clinton, United States assistant treasurer at New Orleans, and A. P. Field, a former Conservative and "eleventh hour Republican" who came to Louisiana from Kentucky and Illinois in 1848, were the choices for auditor and attorney general respectively. Charles W. Keating, a representative of the Shreveport region and formerly of the Union army and Freedmen's Bureau, was the selectee for superintendent of education.<sup>15</sup> This group was characterized as ideal for Grant to handle. Of this group only Antoine was a Negro; the rest were carpetbaggers.

The Pinchback group had bolted the convention after the first three days; therefore, these nominations represented only the choice of Custom House Republicans.<sup>16</sup>

The New Orleans *Times*, conservative Democratic organ, assailed the nomination of Kellogg in bitter phrases:

The mongrel assemblage, composed of Federal officials from this city, and of negroes from the country, which for the last week has disturbed the peace of the town of Baton Rouge with its howlings and disorderly actions, reached a conclusion yesterday evening as to the highest of our State offices. . . .

Mr. Kellogg succeeded by a single vote, and even this scant majority was only secured by a well-understood pledge to resign on his re-election to the senatorship, so as to consummate the scheme of the Africanization of the State of Louisiana. Well may the negroes celebrate the triumph of such a scheme, and exalt in the degradation of the white race by so infamous a compact.

. . . The Customhouse managers, in the interest of General Grant, have hatched this plot and found a willing agent to execute their design.<sup>17</sup>

<sup>15</sup> *Annual Cyclopaedia*, 1872, 478; *Republican*, June 25, 26, November 3, 1872.

<sup>16</sup> *Annual Cyclopaedia*, 1872, 479.

<sup>17</sup> *Times*, June 23, 1872.

In a closing address to the convention, Kellogg denied the charges of the *Times*. His final words to the delegates were: "My friends, go home, have no broils; put good men in office, and see to it that you have a fair election. . . ."<sup>18</sup>

The Pinchback followers held a convention on August 9 and nominated their leader for governor. When Pinchback saw how matters were developing, he decided to merge his following with that of the least objectionable of the other factions—the Custom House crowd. His interest in Republicanism, desire for personal gain, and desire to be on the winning side prompted this union. By the end of August the following ticket had been formed:

Governor: William Pitt Kellogg of Orleans (Custom House)

Lieutenant Governor: C. C. Antoine of Caddo (Custom House, colored)

Secretary of State: P. G. Deslonde of Iberville (Custom House, colored)

Auditor: Charles Clinton of Orleans (Custom House)

Attorney General: A. P. Field of Orleans (Custom House)

Superintendent of Public Instruction: W. G. Brown of Orleans (Pinchback, colored)

Congressman at large: P. B. S. Pinchback of Orleans (Pinchback, colored).<sup>19</sup>

It is significant to notice that this list comprises four Negroes and three whites.

Kellogg was opposed by the Democrats because he was a Republican; however, there were men in the Republican party who opposed him because they desired for themselves the powers and benefits enjoyed by Kellogg.

There were many in the state who maintained that Kellogg's true love was for the North and that he hated Louisiana and its climate.<sup>20</sup> Others charged that he had a physical revulsion for Negroes. They asked, "Is it true that Kellogg always has a glove on when he shakes hands with a colored man? Is it true that he may be afraid of defiling the colored man, but is that the

<sup>18</sup> *Republican*, June 25, 1872.

<sup>19</sup> *Annual Cyclopaedia*, 1872, 480-481; Grosz, "P. B. S. Pinchback," in *Louisiana Historical Quarterly*, XXVII, 554.

<sup>20</sup> *Republican*, June 30, 1872.

reason?"<sup>21</sup> As a result of the convention many people opposed Kellogg because they saw his choice as an example of successful bribery.<sup>22</sup> His support of the Enforcement Bill was especially condemned by the people of North Louisiana.<sup>23</sup> Some people feared that he would be unable "to hold a tight reign upon the rapacious gang which will be installed in power by the election of the ticket he heads."<sup>24</sup> It was felt by others that "Kellogg was sent here with the dictation of Grant to his appointees that he should be nominated for Governor."<sup>25</sup>

The length of Kellogg's residence in Louisiana was constantly cited as being against him.<sup>26</sup> It was suggested that even if he became governor, Antoine would rule because Kellogg would not stay in Louisiana for long periods of time. Some people were sure that he would go back to the Senate and leave Antoine as the state's chief executive.<sup>27</sup> These ideas were expressed in the following editorial entitled "The Triumph of Africa:"

His choice, [Antoine,] with Mr. Kellogg for the Governorship, is a distinct announcement to the people of Louisiana that General Grant desires this state to be delivered over to the rule of the recently emancipated Africans. For if even the compact relative to Kellogg's reelection to the senatorship should prove impracticable, the fact that that gentleman is an unacclimated person, who has never passed eight consecutive months in this city—who has no "local habitation or name" here, though he may own a house, and who would not, for a dozen Governorships, confront that grim annual visitant, so familiar to our old residents, give pretty satisfactory assurance that our Caesar Antony would wield the sceptre of Louisiana for at least half the year.<sup>28</sup>

Many Republicans felt that their party was not adequately represented in the candidacy of Kellogg and Antoine. They maintained that the candidates themselves were objectionable because of their political and personal unfitness and that neither of them represented Republican principles. It was pointed out that Kellogg had "been a personal servitor in Congress" and that Antoine had been "worse than this in the State of Louisiana." "The

<sup>21</sup> *Ibid.*, June 23, July 6, 1872.

<sup>22</sup> *Ibid.*, June 30, 1872.

<sup>23</sup> *Times*, September 29, 1872.

<sup>24</sup> *Ibid.*, July 1, 1872.

<sup>25</sup> *Daily Picayune*, September 6, 1872; *Republican*, June 23, 25, 26, 1872.

<sup>26</sup> *Republican*, June 26, 1872. The following figures are cited for Kellogg's residence in Louisiana since his election as Senator: 1869—4 weeks; 1870—10 days; 1871—7 days; 1872—4 days before nomination.

<sup>27</sup> *Republican*, June 25, July 4, 1872; *Times*, June 24, 1872.

<sup>28</sup> *Times*, June 25, 1872.



strength of these men," they claim, "does not consist in their principles but in their personal dependence on Grant."<sup>29</sup>

Kellogg, of course, fought back and defended himself against the attacks of his enemies. In an open letter to the newspapers he answered several of the current charges made against him:

In reply, I have to say that, if elected, I will to the extent of my power and ability endeavor to secure the repeal, revision or modification of all unjust, obnoxious and oppressive laws, and the enactment of such laws as will the most effectually correct existing abuses in the city and State governments, to the end that the people may be secured in the right to choose their rulers and hold them to a strict accountability for the proper discharge of their official duties; that economy and retrenchment may be assured, the present burdensome and heavy taxation be reduced, and all the material interests of the entire State fostered. If chosen Governor I can only hope to succeed through the efficient and persistent aid of the people themselves.

I was elected by the Baton Rouge convention, without solicitation on my part. I trust and believe that the party I represent is in favor of reform and honest government, and that I can count upon its cooperation and that of all good people of this State to that end.

If elected, and should I live, I will serve my entire term as Governor of this State.<sup>30</sup>

Besides the usual appeals to party considerations, Kellogg's supporters advanced several other compelling reasons for his election. It was asserted that more could be accomplished for the good of the masses, especially the Negro, if the state and federal governments were kept in harmony through Kellogg's selection.<sup>31</sup> To the economic interests Kellogg was declared the "savior"—a man whose influences with the men of the North to bring capital to Louisiana would prove of untold value to the state. The bait of industrialization was a familiar device of the Republicans to attract voters. The New Orleans *Republican* backed Kellogg arguments by saying:

To let our choice fall upon him [McEnery], with his sectional fame, his sectional record and his limited experience of statesmanship, instead of Mr. Kellogg, will be to place a wall between us and our Northern friends that will vir-

<sup>29</sup> *Republican*, June 25, 1872.

<sup>30</sup> *Ibid.*, July 2, 1872.

<sup>31</sup> *Ibid.*, November 1, 1872.

tually amount to a barrier to commercial intercourse. . . . Kellogg is the promoter of railroads, while McEnery scarcely knows what they are intended for. Kellogg is a statesman of broad, liberal, national views, while McEnery is a parish politician who can not see beyond the State lines. Kellogg is in such good rapport with the federal government that his recommendations will receive attention, while McEnery would be regarded with suspicion.<sup>32</sup>

With the fusions completed in August there were two tickets in the field—one headed by William Pitt Kellogg and the other by John McEnery. These fusions were a logical conclusion to the activities of the previous months. There were members in each group who kept constantly reminding their companions that only through union was there strength to overcome the opposition. Different people proposed alliances during this time on the assumption that the defeat of the Radicals was the goal of these divergent aggregations.<sup>33</sup> Finally by making small concessions in the matter of office two tickets were completed. None of these groups in these two parties gave up any of their fundamental ideas and beliefs; it was a case of political expediency in the hope of victory. One reporter in speaking of these fusions remarked: "There is neither policy nor principle in this strange whirlpool of discordant political elements."<sup>34</sup>

From August to November the problem of each party was to sway as many voters as possible to its standard and to manipulate registrations in its favor. A vigorous campaign was undertaken by both sides which was accompanied by few disorders as compared with the election of 1868.<sup>35</sup> The *Lafourche Times* characterized the situation: "But underneath the seeming quiet is a vast army of Republicans at work and the State of Louisiana is being politically honey-combed for a Republican governor."<sup>36</sup> It was alleged that "men are kept draining the U. S. treasury whose sole duties are to electioneer through the State for the Baton Rouge ticket."<sup>37</sup>

Early in September Kellogg, accompanied by George Williamson, A. P. Field, C. C. Antoine, and others, conducted a campaign tour in north Louisiana.<sup>38</sup> At the meeting in Shreveport on

<sup>32</sup> *Ibid.*, November 3, 1872.

<sup>33</sup> *Ibid.*, July 25, 1872.

<sup>34</sup> *Ibid.*, September 1, 1872.

<sup>35</sup> Ella Lonn, *Reconstruction in Louisiana after 1868* (New York, 1918), 166.

<sup>36</sup> *Lafourche Times*, quoted in *New Orleans Republican*, October 2, 1872.

<sup>37</sup> *Republican*, July 10, 1872.

<sup>38</sup> *Times*, September 5, 1872.

September 21 one newspaper reported an audience of one thousand people, intense enthusiasm, and a salute of a hundred guns.<sup>39</sup> Throughout the month of September Kellogg was busy campaigning in this part of the state.<sup>40</sup>

From October 1 to October 19 Kellogg was engaged in a very rigorous speaking tour. His speaking engagements were:

- October 1—Opelousas (St. Landry)
- October 2—Vermilion (Lafayette)
- October 3—St. Martinsville (St. Martin)
- October 4—New Iberia (Iberia)
- October 5—Franklin (St. Mary)
- October 9—St. Francisville (West Feliciana)
- October 10—Clinton (East Feliciana)
- October 11—Port Hudson (East Feliciana)
- October 12—Baton Rouge (Baton Rouge)
- October 14—Plaquemine (Iberville)
- October 15—Donaldsonville (Ascension)
- October 16—Napoleonville (Assumption)
- October 17—Thibodaux (Lafourche)
- October 19—Houma (Terrebonne).<sup>41</sup>

Kellogg's speeches on this tour were concerned with a variety of subjects. He spoke of "the finances of the state, the way to enhance our credit, and inaugurate good government, and secure prosperity." Kellogg insisted that the method of solution of the black and white problem was to make the blacks taxpayers and interest them in good offices and good laws. The whites must co-operate in this and give the colored people all their rights. Discussing briefly national issues such as Ku Klux and Enforcement Bills, Kellogg asserted that he and other Republicans in Congress did not support some features of the Ku Klux Bill. He took a definite stand here in the sugar region on the protective tariff question.

He showed the relation and effect of the policy of the Democratic party upon the question of a protective tariff on agricultural interests against the interest of the people of this State; how the policy of that party and their present

<sup>39</sup> *Republican*, September 22, 1872.

<sup>40</sup> *Ibid.*, October 6, 1872.

<sup>41</sup> *Daily Picayune*, September 22, 1872; *Republican*, October 4, 1872.



platform militates against the sugar interest; how it puts the planter and those he employs and the whole business community interested in sugar growing, directly in competition with cheap West India slave labor. He showed the record of the Democratic party in Congress upon the sugar and rice interests, and how a President and Congress, elected pledged to the policy, would militate against these great interests.

The Liberal movement was good Kellogg suggested in that it "afforded a sufficient pretext for many good men to come out of the old Democratic party organization and identify themselves with a party which now more nearly represents their views than does the old Bourbon proscription policy." Kellogg, in speaking of the Fusionists,

showed that the ticket, though admitting that there are doubtless some good men on it, on the whole is a Trojan horse, under cover of which the wire workers and schemers of the old Slidell regime hope again to impose upon the public confidence and get into power, inaugurating the same old proscriptive policy, the policy adopted by the Legislature of 1865—a policy which was in many respects worse than what they say is the present State administration, and calculated to keep capital and emigration from coming to the State, and drive out much of what is now here; to array the white man against the colored man, and inevitably retard the future prosperity of the State.<sup>42</sup>

Newspaper accounts of the campaign stressed the physical strain that Kellogg endured as the contest went on. At Donaldsonville on October 15 he spoke for three hours. "His ready flow of language, terse and vigorous, especially in that which related to State affairs, made quiet and attentive listeners and hosts of new converts."<sup>43</sup> When Kellogg reached Napoleonville on October 18 he was exhausted. "Senator Kellogg complains some of his throat, and his hoarseness is very evident, but after a few minutes it disappears, and his utterance is clear and distinct. He spoke for two hours and twenty minutes. . . ."<sup>44</sup> Kellogg closed his campaign in southern Louisiana with a large mass meeting at Algiers.<sup>45</sup> During this period many other Republicans spoke throughout the state. Pinchback rallied support for Kellogg among the Negroes.<sup>46</sup>

<sup>42</sup> *Republican*, October 6, 1872.

<sup>43</sup> *Ibid.*, October 17, 1872.

<sup>44</sup> *Ibid.*, October 18, 1872.

<sup>45</sup> *Ibid.*, October 30, 1872.

<sup>46</sup> Grosz, "P. B. S. Pinchback," in *Louisiana Historical Quarterly*, XXVII, 554.

The election held according to the registration and election laws of 1870 took place quietly in New Orleans on November 4. The *Republican* described it as "one of the most quiet, orderly and peaceable ever held. In fact we had the fullest and fairest election that ever occurred in the city, so far as immunity from violence or unjust interference was concerned."<sup>47</sup> Immediately there arose a dispute over the results which resulted in Federal interference and dual claimants to the position of chief executive.

Section Fifty-four of the Election Law provided that the governor, lieutenant governor, secretary of state, and two others named by the three should constitute a returning board to canvass and count the votes.<sup>48</sup> Under this law the board was composed of H. C. Warmoth, P. B. S. Pinchback, F. J. Herron, John Lynch and Thomas C. Anderson. The ineligibility of Pinchback and Anderson, due to the fact that they were candidates in the election, led to the organization of two sets of returning officers—the Lynch or Republican Board and the Warmoth or Fusion Board.<sup>49</sup>

Then began the suits and counter suits in the courts over the legality of the different returning officers. The Lynch and Warmoth Boards each appealed to Judge Henry C. Dibble of the Eighth District Court in New Orleans, and the Warmoth group was enjoined.<sup>50</sup> Kellogg brought suit in the United States Circuit Court before Judge E. H. Durell against the Warmoth Board. A temporary injunction was granted on November 16, and the trial began on November 25. Finally on December 6 Durell gave his decision. He maintained that the court had jurisdiction under the Enforcement Acts, which were constitutional, and that the Lynch Board was the legal returning board. He then issued an order restraining further canvass unless in the presence of Lynch Board officers. Kellogg in his complaint had charged Warmoth and his cohorts with all manner of fraud with intention of overthrowing and destroying republican government in Louisiana.<sup>51</sup>

<sup>47</sup> *Republican*, November 5, 1872.

<sup>48</sup> *Louisiana Acts*, 1870, No. 100, pp. 145-161. As a result of the famous railroad race between Pinchback and Warmoth the election law of 1870 still functioned. Harris, "H. C. Warmoth," 180-181; Grosz, "P. B. S. Pinchback," in *Louisiana Historical Quarterly*, XXVII, 554-557.

<sup>49</sup> *Republican*, November 14, 1872. Before the second meeting of the board, Governor Warmoth removed Herron and commissioned Jack Wharton as Secretary of State. Then Warmoth and Wharton selected Durant DaPonte, and Hatch. Herron and Lynch disregarded appointments and named James Longstreet and Jacob Hawkins to vacant places.

<sup>50</sup> *Ibid.*, November 19, 1872.

<sup>51</sup> *House Executive Documents*, 42 Cong., 3 Sess., VII, No. 91, pp. 157-319; *Annual Cyclopaedia*, 1872, 481-482.

Warmoth fought back at this by signing the election bill passed at the legislative session of 1872. Thus was created the De Feriet Board that canvassed the returns and declared the McEnery ticket elected.<sup>52</sup> On December 6 the Lynch Board declared Kellogg elected by a majority of 18,861 votes.<sup>53</sup>

On November 21, 1872, Governor Warmoth issued a call for the General Assembly, selected at the recent election, to convene in extra session on December 9 for ten days.<sup>54</sup> The Republicans, through Judge Durell, who continued in office even though removed by Warmoth, seized control of Mechanics' Institute.<sup>55</sup> The legislature according to the Lynch Board met there and impeached Henry Clay Warmoth. This act elevated P. B. S. Pinchback to the governorship.<sup>56</sup>

Pinchback was not recognized legally until early in 1873. Some citizens accepted his rule, but a large portion of the native white population upheld the suspended governor. A struggle between Pinchback and Warmoth for complete governmental control was waged constantly.<sup>57</sup>

In a letter to Attorney General George H. Williams on November 27, 1872, Kellogg begged for interference by Grant and the government of the United States:

Our returning-board being held as the legal returning-board, and as in nowise affected by the promulgation of the recent election bill, may make the returns required by law, which will show the republican State ticket elected, and a republican majority in the legislature; and on the 9th of December, when the legislature convened by Governor Warmoth meets in extra session, a conflict may ensue.

[Urges the use of General Emory's troops]

I can readily understand the delicacy of the President's position in this matter; but it must not be forgotten that this is a systematic and organized attempt to destroy the republican party in this State, to outrage every principle of justice, to override all constitutional and legal restraints,

<sup>52</sup> *Annual Cyclopaedia*, 1872, 482.

<sup>53</sup> *Ibid.*, 483; *House Executive Documents*, 42 Cong., 3 Sess., VII, No. 91, p. 9.

<sup>54</sup> *Republican*, November 22, 1872.

<sup>55</sup> *Ibid.*, December 7, 1872. When the legislature met in extra session, the Senate declared elected now appointed the Forman Board which received and promulgated the returns held by De Feriet. *Daily Picayune*, December 18, 1872.

<sup>56</sup> *Louisiana Senate Journal*, Extra Session, 1872; *Louisiana House Journal*, Extra Session, 1872; Grosz, "P. B. S. Pinchback," in *Louisiana Historical Quarterly*, XXVII, 559-563; Harris, "H. C. Warmoth," 188-192.

<sup>57</sup> Grosz, "P. B. S. Pinchback," in *Louisiana Historical Quarterly*, XXVII, 563.



and to inaugurate a condition of things that will jeopardize the peace of the community and the security, hereafter, of the black as well as the white republicans of the city and State.

I say to you frankly that this fight is extremely distasteful to me, and I would be glad to get rid of the whole matter, but I feel bound, in the position in which I find myself, to do all I can to avert a condition of things such as will inevitably follow the accession of the democratic party to power in this State.

In conclusion, let me say that, should the United States court hold with us, and if I can count upon the co-operation and sympathy of the Federal Government, as far as it can be consistently given in aid of its firm and devoted friends in this State, who have done all they could to carry the State, and have really carried it by a large majority against organized fraud, the State may be saved to the republican party for the future; and I believe that under its auspices the State will become peaceful and prosperous, and no longer be a standing disgrace to the party and the people at large.<sup>58</sup>

With the entire problem in Louisiana resting on the issue of recognition of the Pinchback government, groups from both sides appealed to Grant. On December 11, 1872, Kellogg sent the following telegram to Attorney General Williams: "If President in some way indicate recognition, Governor Pinchback and legislature would settle everything. Our friends here acting discreetly."<sup>59</sup> Finally on December 12 Grant recognized the Pinchback government.<sup>60</sup> Immediately Kellogg, Durell, Flanders, Clinton, Casey, Billings, Kay and others sent the following telegram: "The entire Republican party of this State thank you and the president."<sup>61</sup>

And with both groups claiming legality of their actions Louisiana entered 1873 with a dual government. The Republicans were depending on Federal aid to support them,<sup>62</sup> and the Fusionists were continually trying to draw Federal support to them and to secure the recognition of their claims.<sup>63</sup>

Throughout the next four years repeated claims were made for the election of both Kellogg and McEnery. Committee after

<sup>58</sup> William P. Kellogg to Attorney General George H. Williams, November 27, 1872, in *House Executive Documents*, 42 Cong., 3 Sess., VII, No. 91, pp. 3-7.

<sup>59</sup> William Pitt Kellogg to George H. Williams, December 11, 1872, *ibid.*, p. 19.

<sup>60</sup> George H. Williams to P. B. S. Pinchback, December 12, 1872, *ibid.*, p. 23.

<sup>61</sup> *Ibid.*, p. 24.

<sup>62</sup> William P. Kellogg to George H. Williams, January 1, 1873, *ibid.*, pp. 29-30.

<sup>63</sup> Grosz, "P. B. S. Pinchback," in *Louisiana Historical Quarterly*, XXVII, 565, 571-572.

committee investigated the situation without coming to definite conclusions. All accounts agree that fraud was prevalent.<sup>64</sup> The committee that arranged the adjustment of 1875 decided that, in view of a comparison of votes at the elections of 1872 and 1874 and an examination of registrations and history of the Kellogg and McEnery efforts to establish themselves, Kellogg was elected governor.<sup>65</sup>

Grant himself was not sure who had won. Summing up the problem in 1875, he said:

It has been bitterly and persistently alleged that Kellogg was not elected. Whether he was or not is not altogether certain, nor is it any more certain that his competitor, McEnery, was chosen. The election was a gigantic fraud, and there are no reliable returns of its result. Kellogg obtained possession of the office, and in my opinion has more right to it than his competitor.<sup>66</sup>

Grant's amiable uncertainty was an accurate analysis of the election. The modern student of that fraudulent contest cannot say who won in 1872. It is probable that there were more legally registered Republican voters than Democratic ones. But even if McEnery had carried the state by a majority, it is doubtful if he would have been permitted to take office. Grant should have added that Kellogg "obtained possession" because the Republican machine wanted a Republican governor in Louisiana and the power of the federal government was used to install Kellogg. Perhaps Kellogg never worried much over the legality of his "victory." Later he would say that an election was not very important anyway and "nothing but mere lottery after all."<sup>67</sup> If one held a marked ticket so much the better.

### CHAPTER III

#### PUTTING A CARPETBAG ADMINISTRATION INTO OPERATION

From December 9, 1872 to January 13, 1873, H. C. Warmoth and P. B. S. Pinchback struggled for control of the government. Pinchback held in reserve for Kellogg the executive office while Warmoth sought to prepare for the installation of McEnery as governor. Pinchback served Republican purposes well at this time as "a stopgap to prevent Fusionist ingressions in state

<sup>64</sup> Lonn, *Reconstruction in Louisiana*, 180.

<sup>65</sup> *The Louisiana Adjustment* (New Orleans, 1875).

<sup>66</sup> James D. Richardson, (comp.), *A Compilation of the Messages and Papers of the Presidents*, 10 vols. (Washington, 1903), VII, 307.

<sup>67</sup> *Daily Picayune*, April 11, 1874.

politics." The Republicans were concerned with suppressing Warmoth's claim to office and the projected meeting of the Fusionist legislature on January 6.<sup>1</sup> In this struggle against Fusionists both Kellogg and Pinchback appealed to President Grant for aid.<sup>2</sup> Through General Emory the President informed them that troops would not be furnished "to disperse any body of men claiming to be a legislature, or otherwise assembling peaceably."<sup>3</sup>

A mass meeting was held by the Fusionists on January 2, 1873. Several days later, on January 6, the Fusionist legislature met, but had to adjourn because of failure to secure a quorum.<sup>4</sup> Hopes and plans for the future still existed in their ranks. Also on January 6 the Republican legislature adjourned,<sup>5</sup> and the new legislature met with many of the same members on the roster.<sup>6</sup> Conclusive proof of dissension in the Republican party was evident when six senators transferred from the Pinchback-Kellogg legislature to the McEnery assembly on January 10. This gave the McEnery group its quorum. Despite the loss in membership, the Republican legislature still had a quorum and continued with its preparations for the inauguration of William Pitt Kellogg as governor.<sup>7</sup>

The McEnery assembly at Odd Fellows' hall also made plans for the inauguration of its leader as governor on January 13. "A platform, decorated with wreaths of evergreen, banners and flags" in Lafayette Square served as the scene of this ceremony. It was attended by a crowd of people of "grave and intense feeling"; United States troops lined the principal streets.<sup>8</sup>

Kellogg approached the inauguration with high confidence. When interviewed by a reporter of an opposition newspaper on the day before the inauguration he stated: "I would not accept the position if I did not think that I had been legally elected, as I have been by a large majority. It is not a position that I sought. I would a thousand times rather retire to private life;

<sup>1</sup> Grosz, "P. B. S. Pinchback," in *Louisiana Historical Quarterly*, XXVII, 563.

<sup>2</sup> William Pitt Kellogg to George H. Williams, January 1, 1873; P. B. S. Pinchback to President U. S. Grant, January 3, 1873, in *House Executive Documents*, 42 Cong., 3 Sess., VII, No. 91, pp. 29-30.

<sup>3</sup> William W. Belknap, Secretary of War, to General W. T. Sherman, January 5, 1873; W. T. Sherman to W. H. Emory, January 5, 1873, in *ibid.*, p. 32.

<sup>4</sup> *Daily Picayune*, January 3, 7, 1873.

<sup>5</sup> *Louisiana Senate Journal*, Extra Session, 1872, p. 47; *Louisiana House Journal*, Extra Session, 1872, p. 56.

<sup>6</sup> *Republican*, January 7, 1873.

<sup>7</sup> *Daily Picayune*, January 10, 11, 1873; *Louisiana House Journal*, 1873, pp. 64-66. For address of these six senators to the people of Louisiana, see *Senate Reports*, 42 Cong., 3 Sess., II, No. 457, pp. 1093-1094. *Louisiana Senate Journal*, 1873, pp. 57-59.

<sup>8</sup> *Daily Picayune*, January 14, 1873; *Republican*, January 14, 1873.



but as I was nominated and elected by the people I will do my full duty in office."<sup>9</sup>

With two political groups hoping for victory in the immediate future conditions in the state were far from peaceful. The New Orleans *Times* warned the people that:

We should conduct ourselves with the dignity which becomes our manhood and the solemnity which becomes our cause, ever keeping in view the fact that moderation is the handmaid of peace, and conciliation our best and safest policy.

The South can never be successful until its nationalization is complete, and its various States take their place in the Union as self-governing communities in a confederacy of equals. For this and the other more immediate ends in view our people should strive with that intelligent discretion which is most likely to achieve success.<sup>10</sup>

At eleven thirty o'clock on the morning that McEnery was inaugurated, the Republican legislature met in joint session in the State House for the purpose of inaugurating its claimant. In addition to the members of the legislative body and their families there were present other Republicans and military officers. The opposition newspapers were careful to point out the presence of troops. Tickets of admission were necessary for entrance. The weather on this day was clear and mild with bright sunlight. Kellogg was accompanied to the chamber by C. C. Antoine, P. B. S. Pinchback, Chief Justice Ludeling and other officers of the state. He was introduced by A. B. Harris, president of the senate.<sup>11</sup> Standing before the group he delivered in "a firm and clear manner" his address:

In assuming the arduous duties which devolve upon me as the chief executive officer of the State, I do so under a profound sense of the magnitude and importance of those duties, as well as the grave responsibilities I am to incur in discharging them. It is my purpose to devote my best efforts and whatever of ability I may possess to perform faithfully all the duties and obligations imposed upon me by the constitution and laws of the State.

. . . Possessing abundantly all the elements necessary to insure agricultural and commercial wealth and independence, the State, nevertheless, languishes in all her material inter-

<sup>9</sup> *Daily Picayune*, January 13, 1873.

<sup>10</sup> *Times*, January 12, 1873.

<sup>11</sup> *Republican*, January 14, 1873.

ests. With impaired credit, diminished commerce, and accumulated taxation, the embarrassments are serious and call loudly for relief.

. . . Political agitation may, and doubtless has, contributed in no small degree to this state of affairs, but this can by no means be assigned as the principal cause. The question forces itself upon us, have the resources of Louisiana been properly marshaled and her energies judiciously directed? . . . the adoption in the administration of public affairs of the same appliances necessary to restore the fallen fortunes of an individual, honesty, industry and economy. Upon these principles the people of the State demand, and they have the right to expect, their public servants to act. This demand, so far as the executive department and its influence extends, will be strictly complied with.

Kellogg's definite proposals in this address were concerned with issues such as New Orleans, internal improvements, commerce with Mexico, Cuba, levees, finance, tax collection, executive patronage, relation of capital and labor and the late election.<sup>12</sup>

The oath of office was administered to Kellogg by the Chief Justice. Band music followed this part of the ceremony. The *Picayune*, violent opposition organ, asserted that "God Save the King" was the selection of the band.<sup>13</sup>

The New Orleans *Times* described the inaugural situation thus:

Mr. Kellogg is a handsome gentleman, and, as he stands there in the midst of that ill assorted company, to deliver his inaugural address, it seems cruel that circumstances should have forced him into such an ungraceful attitude. The rolling periods and eloquent patriotism of his speech do not seem to fit the contracted space of the room, the motley character of the audience, or the outside bristle of the bayonets.<sup>14</sup>

Police, artillery and Federal troops were present in the city; however, the day passed without any outbreak and with no use of force.<sup>15</sup>

While dual governments were installed in Louisiana, the Congress discussed the Louisiana question again. In the House a resolution was presented on January 6, 1873, asking that a

<sup>12</sup> *Inaugural Address of Governor William Pitt Kellogg* (1873), 3-10.

<sup>13</sup> *Daily Picayune*, January 14, 1873.

<sup>14</sup> *Times*, January 14, 1873.

<sup>15</sup> Lonn, *Reconstruction in Louisiana*, 223.

joint select committee be appointed to investigate the election. It was decided, after several days of discussion, to refer this question to the Judiciary Committee and let it report if the case required congressional action.<sup>16</sup> In the Senate an investigation to determine whether there existed a state government in Louisiana was ordered as the result of a resolution offered by Oliver P. Morton giving the Committee on Privileges this power.<sup>17</sup> As a result of the investigation held in Washington in accordance with this resolution, a lengthy report was presented to the Senate on February 20.<sup>18</sup> The majority report presented by the committee, declaring that neither Kellogg nor McEnery had been elected, asked for a new election.<sup>19</sup> Three members of this committee disagreed and presented reports of their own. Senator Lyman Trumbull, of Illinois reported that Congress should not interfere with Louisiana conditions; however, McEnery should be recognized and "the peace of Louisiana will be speedily restored, and effect be given to the fairly-expressed will of her people."<sup>20</sup> Senator Oliver P. Morton of Indiana suggested "that it is better for them to bear the ills they have and seek reformation and relief under their own laws and tribunals than to invoke the National government to the assertion of a power under which State governments would exist hereafter only by sufferance."<sup>21</sup> Senator Joshua Hill of Georgia suggested a plan by which the Louisiana legislature could declare the result of the election.<sup>22</sup> In view of the fact that Congress took no action on the Louisiana question, Grant issued the following statement on February 25, 1873:

Subject to any satisfactory arrangement that may be made by the parties to the controversy, which of all things is the most desirable, it will be my duty, so far as it may be necessary for me to act, to adhere to that government heretofore recognized by me . . . ; but as to State offices, filled and held under State laws, the decisions of the State judicial tribunals, it seems to me, ought to be respected.

I am extremely anxious to avoid any appearance of undue interference in State affairs, and if Congress differs from me as to what ought to be done I respectfully urge its immediate decision to that effect; otherwise I shall feel obliged, as far as I can by the exercise of legitimate author-

<sup>16</sup> *Congressional Globe*, 42 Cong., 3 Sess., 339, 364, 368.

<sup>17</sup> *Ibid.*, 633-641.

<sup>18</sup> *Ibid.*, 1520.

<sup>19</sup> *Senate Reports*, 42 Cong., 3 Sess., II, No. 457, pp. i-li.

<sup>20</sup> *Ibid.*, pp. liii-lxv.

<sup>21</sup> *Ibid.*, pp. lxvii-lxxviii.

<sup>22</sup> *Ibid.*, p. lxxx.



ity, to put an end to the unhappy controversy which disturbs the peace and prostrates the business of Louisiana, by the recognition and support of that government which is recognized and upheld by the courts of the State.<sup>23</sup>

The bill to set aside the election of 1872 and order a new election was lost, and the House committee recommended a continuation of investigation as Congress adjourned on March 4.<sup>24</sup> This did not alter conditions in Louisiana as far as the national government was concerned. The continuous struggle of Louisiana's contending representatives for their respective places in Congress, in addition to internal strife in the state, kept the eyes of Congress on Louisiana.

The *Republican*, organ of the Radicals, taunted the Fusionists with the unwillingness of Congress to settle the problem:

Congress can't help you—  
It wouldn't if it could;  
But you needn't fret about it,  
For it couldn't if it would.<sup>25</sup>

While Congress was considering the Louisiana situation and the recognition of her disputed representatives, the state was suffering at the hands of rival governments. From January to March both legislative bodies remained in session and transacted business; however, only the work of the Kellogg legislature stands recorded on the statute books. Both legislatures were concerned incessantly with the necessity of quorums as there were shifts in the personnel during the entire season. One legislator remarked when interviewed that he wanted to go "where the thought of being necessary for a quorum will disturb my dreams no more."<sup>26</sup>

The principal legislative issue at this session was financial, and the greater portion of the time of the Kellogg legislature was spent in working with economic problems, primarily with the matter of taxation. Previous legislation was modified to some extent; however, not much improvement in the financial system of the state was made.<sup>27</sup> With unsettled conditions throughout the state the most important legislation passed was that which dealt

<sup>23</sup> Richardson, *Messages and Papers of the Presidents*, VII, 212-213.

<sup>24</sup> *Annual Cyclopaedia*, 1873, 448; *House Reports*, 42 Cong., 3 Sess., No. 96.

<sup>25</sup> *Republican*, January 30, 1873.

<sup>26</sup> *Ibid.*, February 4, 1873.

<sup>27</sup> Lonn, *Reconstruction in Louisiana*, 225-227.

with the militia. By Act No. 37 approved March 5, 1873, the Metropolitan Police of New Orleans became a part of the militia of the state and could be increased in size and mustered with the militia of the state as a Metropolitan Brigade. The power given the governor under this act was significant, for "the Governor may, whenever in his opinion there is public exigency, order the Metropolitan Police force to be mustered as the Metropolitan Brigade, . . . and may order the Metropolitan Brigade to perform military duty in any part of the State."<sup>28</sup> It was advantageous for Kellogg to have power over this New Orleans police force. This ensured military control of the state by the governor. A subsequent act appropriated "one hundred thousand dollars to arm, equip and maintain the Militia of this State."<sup>29</sup>

Relations between the two legislatures remained strained, but open conflict was averted until the end of the session. There was frequent talk of compromise. Kellogg proposed during January a combination of both legislative groups, and after consideration by both this compromise was refused.<sup>30</sup>

The McEnery group was interested primarily in resisting the Kellogg government. On February 15, 1873, McEnery issued a proclamation forbidding payment of taxes to Kellogg's collectors and on the 27th he ordered the enrolling of the state militia. Conditions throughout the state were unsettled and as the month of March approached and the end of the legislative session drew near, the capital took on an air of apprehension.<sup>31</sup> On March 1 a mass meeting of the Fusionists was held in New Orleans with a reported attendance of 2,500 persons.<sup>32</sup> At this gathering resolutions were passed asking for withdrawal of Federal protection from the Kellogg government or martial law.<sup>33</sup> On March 5 there was a clash, in which several men were wounded, between the Kellogg forces and the citizen militia of McEnery who attempted capture of the police stations. The intervention of Federal troops put down this disorder.<sup>34</sup> On the next day, March 6, about one hundred armed Metropolitan Police arrested the entire McEnery assembly at Odd Fellows' Hall. Kellogg had the members of the

<sup>28</sup> *Louisiana Acts*, 1873, No. 37, pp. 76-77.

<sup>29</sup> *Ibid.*, 1873, No. 74, p. 134.

<sup>30</sup> *Times*, January 27, 28, 29, February 5, 11, 1873; *Republican*, February 21, 1873; *Daily Picayune*, March 4, 1873.

<sup>31</sup> *Annual Cyclopaedia*, 1873, 449.

<sup>32</sup> *Times*, March 1, 1873; *Daily Picayune*, March 1, 1873.

<sup>33</sup> Lonn, *Reconstruction in Louisiana*, 228.

<sup>34</sup> *Times*, March 6, 1873; *Daily Picayune*, March 6, 1873; *Republican*, March 6, 1873.

assembly released.<sup>35</sup> McEnery addressed a letter to Colonel Emory about this incident. In reply Emory said that the Metropolitan Police seizure of Odd Fellows' Hall was "without my knowledge and made without conference with me," but "previous instructions have directed me to recognize the government of the State of Louisiana to be that represented by Hon. W. P. Kellogg," and if this act is the act of Kellogg, "I shall most assuredly consider it my duty, under my instructions to use the whole force of the United States at my disposal to prevent such violent interference [with this act]."<sup>36</sup> All McEnery could do was to issue an address to the people of Louisiana. He explained the position of the Fusionists thus: "If we resist the executive of the United States, which with arms defends this usurpation, we are rebels; if we do not resist it, we submit to and acknowledge its authority and power;" therefore, McEnery's only appeal was for "sympathy and support of a position" by the American people.<sup>37</sup>

Even after this conflict there was definite compromise talk on Kellogg's part; however, one reporter suggested that the failure of this effort of Kellogg was due to "a peremptory telegram from Packard at Washington" warning him not to do anything.<sup>38</sup>

The first distinct manifestation on a large scale of the unsettled conditions in the state during the term of Kellogg was the race clash at Colfax in Grant Parish. This particular event pointed up certain current Louisiana issues: Kellogg's appointment of local officials instead of the determination of the successful candidate in a region in the election of 1872, and the collection of taxes. Over the solution of these two problems Republicans and Fusionists clashed. The Negro was caught between them; he supplied the voting strength of Republicanism and hence was the chief recipient of anti-Republican hatred.

Kellogg commissioned R. C. Register as judge and Daniel Shaw as sheriff of Grant Parish instead of Alphonse Cazabet and Christopher C. Nash, who claimed to have been elected by the people. The actions of Register and Shaw in the summoning of armed Negroes to the support of their régime in addition to the presence of four Kellogg leaders from another part of the state to "inform" the Negroes created a tense and bitter situation. By April 13 there were 140 to 400 armed Negroes in the parish.

<sup>35</sup> *Daily Picayune*, March 7, 1873; *Republican*, March 7, 1873.

<sup>36</sup> *Annual Cyclopaedia*, 1873, 449; *Republican*, March 7, 1873.

<sup>37</sup> *Annual Cyclopaedia*, 1873, 449.

<sup>38</sup> *Times*, March 7, 9, 15, 1873; *Daily Picayune*, March 25, 1873.



Despite efforts at conciliation by the whites, lawlessness became rampant, and it was evident that something would have to be done. Kellogg was informed of the existing condition, and promised military aid. This assistance was never sent. Kellogg could have altered conditions, but the reasons for his failure to do so are not known. On April 13 the whites took matters into their own hands and engaged in a barbarous conflict with the opposing Negroes. The Negroes defeated the whites. The Metropolitan Police and United States troops came into the parish after the events of this day and restored order.<sup>39</sup>

The events resulting from this conflict were more important than the actual clash itself. Now the whites saw that they must organize. Colfax proved the necessity of this.<sup>40</sup> The press played up this incident which brought nationwide condemnation of the white victors. This constant reference to the Colfax affray added to the general unrest of the state and kept the attention of the rest of the country on Louisiana.<sup>41</sup> Throughout the remainder of Kellogg's administration, reference was made to this incident by both parties and by national leaders.

Other acts of violence in different parts of the state contributed their share in molding northern opinion. Especially affected was the opinion of the national Republican leaders. The Metropolitan Brigade had to be sent to St. Martin Parish early in May to put down resistance to the collection of taxes led by Colonel Alcibiades DeBlanc. United States troops were also used to thwart this uprising. With the arrest of DeBlanc and several other leaders the conflict in St. Martin was brought to an end.<sup>42</sup> The Metropolitans also were employed at the same time in quieting outbreaks in St. Mary,<sup>43</sup> Livingston,<sup>44</sup> and Terrebonne parishes.<sup>45</sup> In disbanding, the citizens stated that, "while they bowed to the mandate of the United States Executive, supported by its military force, they were in arms to prove that throughout Louisiana no official of the Kellogg government could extort submission from the people save at the point of the bayonet, in the hands of United States soldiers."<sup>46</sup>

<sup>39</sup> Manie White Johnson, "The Colfax Riot of April 1873," in *Louisiana Historical Quarterly*, XIII (1930), 391-427.

<sup>40</sup> H. Oscar Lestage, Jr., "The White League in Louisiana and Its Participation in Reconstruction Riots," in *Louisiana Historical Quarterly*, XVIII (1935), 635.

<sup>41</sup> *Republican*, April 27, 1873.

<sup>42</sup> *Annual Cyclopaedia*, 1873, 450; *Republican*, May 4, 7, 8, 9, 10, 11, 13, 14, 15, 16, 1873.

<sup>43</sup> *Republican*, April 9, May 9, 13, 1873.

<sup>44</sup> *Ibid.*, April 29, May 1, 1873.

<sup>45</sup> *Ibid.*, May 1, 1873.

<sup>46</sup> *Annual Cyclopaedia*, 1873, 450.

During these disturbances, there was still compromise talk in New Orleans or rumors of compromise, probably sponsored by newspaper men. The editor of the *New Orleans Times* in his comments on conditions admonished Kellogg to find salvation in compromise but felt that he would not because of party commitments.<sup>47</sup> In response to the crushing of the resistance in St. Martin Parish a mass meeting was called at Clay Statue in New Orleans on May 6<sup>48</sup> to enable citizens to "raise their voices against the late example of Kellogg's tyranny and usurpation in sending New Orleans paid policemen as troops to St. Martin's parish, to crush the popular sentiment of the people."<sup>49</sup>

On May 7, 1873, an attempt on the life of the governor was made. This was a natural result of the feeling then prevalent against Kellogg among his political enemies, enraged by his policy, his use of Metropolitan Police, and his taxation measures. This attempted assassination made a good newspaper story and accounts of it appeared in all papers. When interviewed by a reporter of the *Picayune*, Kellogg supplied the following account of the incident:

I left Mechanics' Institute this afternoon, in company with Capt. Geo. L. Norton, and went down Common to Magazine street, turned up Magazine to Whitney's office for the purpose of seeing Mr. Hutchinson regarding some transportation, and also regarding some complaints I heard he had made about his passengers being interrupted this morning by the police. After conversing with Mr. Hutchinson a short time, I told Norton he need not wait for me. He went off, and a few minutes later, I left Mr. Hutchinson. On walking down the steps, just as I was about getting into my carriage, some gentleman [Colonel Charles R. Railey] standing by asked me if my name was Kellogg, and I answered, yes. He spoke very hastily and excitedly, and used harsh language, saying, "You are a d——d scoundrel," and one or two other expressions of like import. I was in the act of getting into the carriage, and I said to him, "I am not acquainted with you, and I don't know that I have done anything to offend you, sir." Some other person, a short distance off, raised his hand and shook his fist at me, saying something I could not understand, because my driver started the horses. As we went round the corner from Magazine street, I heard a shot, and simultaneously felt the passage of a shot by my neck.

<sup>47</sup> *Times*, April 11, 17, 1873; *Daily Picayune*, April 22, 1873.

<sup>48</sup> *Times*, May 7, 1873; *Daily Picayune*, May 7, 1873.

<sup>49</sup> *Annual Cyclopaedia*, 1873, 450.

... when the ball passed I involuntarily raised my hand to my neck. ... I really was not conscious that a pistol was aimed at me until I felt a tingling.

Just as soon as he [the driver] drove on Camp street I said, "Don't drive so fast," and he drove comparatively slow, round to the St. Charles Hotel.<sup>50</sup>

In reporting this attempted assassination, the *Picayune* claimed that Railey remarked to Kellogg, "Well I wanted to tell you that you were a cowardly and usurping scoundrel, and that if you have any courage you will stand like a man, and I will treat you as the scoundrel you have shown yourself to be." When Kellogg left the St. Charles Hotel, he went to the headquarters of General Emory; however, he denied having a closed carriage and fifteen policemen as bodyguard for this trip.<sup>51</sup> It was thought by some that Kellogg had probably been killed, and the *Times* claimed that many visited Antoine "to offer their congratulations upon his sudden and unexpected elevation to supreme power."<sup>52</sup>

On June 23 in the parish courthouse of Jefferson, M. M. Cohen and C. R. Railey were brought to trial on charges of a conspiracy to assassinate Kellogg. The trial ended on June 27 with both men declared not guilty. It was known that Railey was the man who spoke to Kellogg; however, proof was not available to convict Cohen as the man who shot at the governor. The chief testimony was given by Kellogg himself. It was essentially the same as the account he gave to the reporters. He added further: "I recognize Mr. Railey now in court, as the person who assailed me at Whitney's office; I had heard previously that an attempt would be made to harm me; had been warned repeatedly to beware; in the morning of the day I had been in the office of Price, Hine, and Tripper, and as I left there a peculiar shout was uttered as from a squad of boys; heard the same kind of shout at Whitney's office; a gentleman stood by Mr. Railey when the latter assailed me; can not give a precise description of that person; he made a motion with his hands and said something, but can't remember what it was." Kellogg failed to recognize Cohen as the man.<sup>53</sup>

During the months following the establishment of the Kellogg government there had been numerous proposals regarding the

<sup>50</sup> *Daily Picayune*, May 8, 1873. Colonel Charles R. Railey held a commission from McEnery as tax collector of the First District. *Republican*, May 8, 1873.

<sup>51</sup> *Republican*, May 8, 1873.

<sup>52</sup> *Times*, May 8, 1873.

<sup>53</sup> *Republican*, June 24, 25, 26, 27, 28, 1873.



settling of the question of the election of 1872, both by individual citizens and by groups within and outside the state. On May 10 Kellogg issued an "Address to the People of Louisiana" in which he claimed that the failure of an adjustment lies "with the Fusion assemblage, and with the Fusion pretenders to office and their allies and abettors." In this message he emphasized again some of his "talking points:" "It is my earnest desire to establish a just and economical government, to restore public credit, to reduce the present taxation and to promote the internal improvements the State so much needs." To accomplish this there must be law and order. In speaking of the agitation, he drew up three classifications of citizens: "A body of worthy citizens unversed in politics who have been blindly misled into the belief that no portion of the present State government was elected, disappointed politicians dependent on office for their livelihood, and men connected with the monopolies and fraudulent schemes of the previous generation." In this document he put an end to the compromise talk of the first few months of 1873 by declaring: "I am compelled to discard all idea of present adjustment" and "shall proceed in the discharge of my constitutional duties as Governor of the State, until I am deposed or dispossessed by rightful authority."<sup>54</sup> A few days later he had to silence still another rumor of a compromise with Warmoth, who would be sent to the United States Senate, and Penn, who would become lieutenant governor.<sup>55</sup>

The actual state of conditions can best be seen in press interviews held with both McEnery and Kellogg. Upon being asked the question, "What is your theory in regard to opposing and resisting the Kellogg government?" McEnery replied by "advising the people to discountenance Kellogg's authority in every feasible way, especially by refusing to pay taxes imposed by him." McEnery's followers heeded this advice.<sup>56</sup> In an interview conducted by a *Picayune* reporter and given headlines in all papers, Kellogg stated his views in answer to seventeen different questions. In answering these questions, he asserted again his right to his office and his determination to remain there until "deposed by rightful authority." His proposals for reform in the government were presented in answer to the inquiry of the reporter and he emphatically stated that he could control the party to secure this. When asked about the present situation,

<sup>54</sup> *Ibid.*, May 11, 1873.

<sup>55</sup> *Ibid.*, May 17, 1873.

<sup>56</sup> *Ibid.*, May 16, 1873. Quoted from the *Herald*.

he repeatedly referred to the Warmoth era of corruption. Justification for the use of troops in Louisiana was based on the fact that the interests of the state must be protected. In closing he said:

If my personal feelings only were consulted, I do not desire to be Governor of Louisiana. But believing that I was legally elected, it is my duty to continue to exercise the functions of Chief Magistrate of the State until the party that elected me shall decide, or Congress determine to have a new election. In such an event, their decisions will be promptly accepted and cheerfully acquiesced in by me. In expressing this opinion I can of course give only my own views, and not those of my associates.<sup>57</sup>

On May 22, 1873, U. S. Grant issued the following proclamation in which he publicly recognized the Kellogg regime:

Whereas . . . certain turbulent and disorderly persons have combined together with force and arms to resist the laws and constituted authorities of said state; and

Whereas it has been duly certified by the proper local authorities and judicially determined . . . that said officers are entitled to hold their offices . . . ; and

Whereas Congress . . . tacitly recognized the said executive and his associates . . . by refusing to take any action . . . ; and

Whereas it is provided in the Constitution . . . that the United States shall protect every State in this Union . . . against domestic violence; and

Whereas it is provided in the laws . . . that in all cases of insurrection in any State . . . it shall be lawful for the President . . . to call forth the militia . . . or to employ such part of the land and naval forces . . . ; and

Whereas the legislature of said State is not now in session, and can not be convened in time to meet the present emergency, and the executive of said State, under section 4 of Article IV of the Constitution of the United States . . . has therefore made application to me . . . to protect said State and the citizens . . . ; and

Whereas it is required that whenever it may be necessary . . . he [President] shall forthwith, by proclamation, command:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command

<sup>57</sup> *Republican*, May 15, 1873; *Daily Picayune*, May 14, 15, 16, 1873.

said turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within twenty days from this date, and hereafter to submit themselves to the laws and constituted authorities of said State; and I invoke the aid and co-operation of all good citizens thereof to uphold law and preserve the public peace.<sup>58</sup>

The accounts of the events of the preceeding months, as represented to Grant by visitors in the state and to the state, crystallized his ideas of conditons in Louisiana. This, in addition to the reluctance of Congress to act, made inevitable this public proclamation.<sup>59</sup> The *Republican* stated the immediate reason for the issuing of the proclamation was the visit to Louisiana of Senator M. H. Carpenter and Kellogg's renewed appeals.<sup>60</sup> Early in July Kellogg sent a wire to the Attorney General of the United States stating that his requisition was fully justified and that the proclamation had had "a most salutary effect."<sup>61</sup> McEnery issued an address to the people shortly after the proclamation, in which he stated that he would remain at the capital and see what developments would take place when Congress met in December. He urged his followers not to "abandon the peaceable and legal means" to overthrow Kellogg government.<sup>62</sup> Relations among the Republicans were strained and were to be accentuated as the gubernatorial term wore on. One Negro leader said he had never been for Kellogg and that the Conservatives had really foisted Kellogg on the state.<sup>63</sup> A mass meeting of colored Republicans on May 20 sent a letter to both Kellogg and Packard expressing the view that they were intent on examining the results of the election of 1872. Kellogg's answer to the committee was "a promise of aid" and "cordial appreciation."<sup>64</sup> Kellogg was present at many large Republican meetings, but engaged in no flowery oratory.<sup>65</sup> After a meeting with a group of Negroes in his office, the press commented that "if unification worked as well in Exposition Hall as at the Governor's office, it would undoubtedly prove a complete success."<sup>66</sup> The widespread feeling of the Negro that he was being ignored by the carpetbagger was doubtless responsible for some of this friction between their representatives and the governor. During this period, Kellogg still

<sup>58</sup> Richardson, *Messages and Papers*, VII, 223-224.

<sup>59</sup> Lonn, *Reconstruction in Louisiana*, 238, 239, 240, 244, 245.

<sup>60</sup> *Republican*, May 23, 1873.

<sup>61</sup> *Ibid.*, June 17, 1873.

<sup>62</sup> *Daily Picayune*, June 1, 1873.

<sup>63</sup> *Times*, June 1, 1873.

<sup>64</sup> *Republican*, June 8, 1873.

<sup>65</sup> *Ibid.*, May 27, June 5, 1873.

<sup>66</sup> *Ibid.*, August 1, 1873.



was supported by Washington as the officials implied in frequent messages to him.<sup>67</sup>

Antoine became acting governor for the first time in early August when Kellogg went to Point Clear, Alabama, "for a breath of fresh air, and a few hours relaxation." Kellogg failed to notify officially Antoine of his absence, and when the question of the City Administration Bill was brought before him, Antoine decided to let his chief deal with this New Orleans political "powder keg."<sup>68</sup> Antoine's actions here prevented an open conflict between the two men. Shortly after his return from Alabama Kellogg was confined to his bed with an attack of breakbone fever during late August and early September; however, upon his resumption of official duties he received a gift—an oil painting of himself seated in his carriage.<sup>69</sup> Shortly after this, on August 10, Kellogg and his wife left on an extended trip to the North. In New York City Kellogg was to confer with certain railroad kings about projected lines from North Louisiana to Texas; this was his principal business, he claimed. His principal stops were in St. Louis, Chicago, Washington, and New York. Kellogg met and talked with numerous Republican friends from Louisiana and elsewhere while in Washington and New York. In October Pinchback joined Kellogg in the Middle West and returned with him to Louisiana in November. According to the governor, the conferences on the railroad question were successful.<sup>70</sup> Shortly before his return Kellogg received a telegram from a group of Republicans in New Orleans asking him if he would object to a reception upon his return. His reply was characteristic: "When under the Republican rule the life and property of every citizen shall have been placed under the secure protection of the law, and political assassinations and violence shall have been suppressed; when we shall have put the finances of the State on a sound footing, reduced taxation and increased our productive capacities by the vigorous prosecution of the great railroad and other enterprises now lying dormant, we can rejoice together without hesitation or reserve."<sup>71</sup> Kellogg was interviewed several times on his trip and always expressed confidence in his plans and his victory over the opposition. He dismissed the unification scheme of General Beauregard as insignificant—just another plan of

<sup>67</sup> *Ibid.*, June 6, 7, July 31, 1873.

<sup>68</sup> *Ibid.*, August 12, 14, 1873.

<sup>69</sup> *Ibid.*, August 27, 29, September 5, 7, 1873.

<sup>70</sup> *Ibid.*, September 11, 30, October 4, 5, 14, 28, 30, November 1, 27, 1873.

<sup>71</sup> *Ibid.*, November 5, 1873.

those opposed to Republicanism.<sup>72</sup> There was a constant rumor during Kellogg's absence that he would not return, thus permitting Antoine to become governor.<sup>73</sup> There were renewed disturbances during his absence, and upon his return previous events in Grant Parish were duplicated. Vigilance committees were especially formidable and Kellogg condemned them vigorously.<sup>74</sup>

The strained relations between Kellogg and the Negroes were not so evident. He delivered an address to them on November 18 at the State Colored Men's Convention in New Orleans after being introduced by Antoine. Kellogg called for their support in carrying out the measures to better the conditions in Louisiana, emphasizing the fact that the state was "on trial before the country."<sup>75</sup>

Both the McEnery and Kellogg groups had called party meetings in November, 1873; however, neither group did anything relative to settling the issues of the election of 1872. Party spirit only was affected. With the opening of a Congressional session, attention was again focused on Louisiana's plight and the state itself prepared for another legislative session.<sup>76</sup> Congress convened on December 1, and for the next few months at intervals it argued the Louisiana question, and finally tabled the subject on April 28, 1874. The Pinchback case and the determination of the legal government in Louisiana were the subjects of fierce debates between Senators Oliver P. Morton and Matthew H. Carpenter. Morton was at all times working for the Kellogg cause, while Carpenter sought to have a new election in the state.<sup>77</sup> On January 5, 1874, the same group of representatives that had adjourned in March of 1873 at the Mechanics' Institute reassembled at the same place.<sup>78</sup> Kellogg in addressing them surveyed the events of the past year and made a number of proposals dealing with the finances and internal improvements of the state. The theme of this message was to secure permanent peace and prosperity for Louisiana which would come through a cessation of internal hostilities toward the government of the

<sup>72</sup> *Ibid.*, November 4, 1873.

<sup>73</sup> *Ibid.*, October 25, 1873.

<sup>74</sup> *Ibid.*, September 4, 23, 27, October 1, 11, November 6, 7, 14, 15, 16, 1873.

<sup>75</sup> *Ibid.*, November 19, 1873.

<sup>76</sup> *Annual Cyclopaedia*, 1873, 450.

<sup>77</sup> Grosz, "P. B. S. Pinchback," in *Louisiana Historical Quarterly*, XXVII, 592-597. Pinchback's constant struggle for recognition and the entire Louisiana case is ably presented in this work. *Congressional Record*, 43 Cong., 1 Sess.

<sup>78</sup> *Louisiana Senate Journal*, 1874, p. 1; *Louisiana House Journal*, 1874, p. 1.

Republicans.<sup>79</sup> The *Picayune* praised some of the recommendations but added: "all that we can now say is that we do not recognize W. P. Kellogg as the *de jure* Governor of the State, and his views and recommendations are not to be regarded as entitled to any more consideration and respect than those of any other person who may be enabled temporarily to exercise the functions of Governor." This view was typical of the opposition.<sup>80</sup> Looking forward to the coming election Kellogg proposed a new law dealing with registration and elections. This measure was finally promulgated July 26, 1874. It gave the governor supreme power over registrars and the registrars power over the registration.<sup>81</sup> In addition to the other propositions presented and acted on, five constitutional amendments were submitted to be voted on in the fall election.<sup>82</sup> Economic issues were primarily discussed during this session; however, the Conservatives saw no hope of relief in the actions of this legislature.<sup>83</sup>

This session of the legislature showed unequivocally the strained relations between members of the Republican party. It was rumored that Packard was displeased with Kellogg. The breach between colored and white members was referred to by the opposition as the "War of the Roses." Things were in such wild disorder at the end of the session that Kellogg had to use his personal influence to bring the lawmakers to a mood quiet enough to permit the offering of a motion to adjourn.<sup>84</sup>

With the adjournment of the legislature in March, Kellogg had many problems still to cope with. The session had failed to improve conditions in Louisiana. It was generally felt in the state that resistance to the Radical government was now becoming organized as 1874 was a Congressional election year. Kellogg was ill for several weeks in late March and early April,<sup>85</sup> but finally recovered and was able to undertake his task of recognized leader of Republicans in Louisiana.

<sup>79</sup> Louisiana *House Journal*, 1874, pp. 5-16. He lists the various disturbances that had to be quelled by his forces as: March 5, mob dispersed; March 6, Odd Fellows Hall; April 12, Colfax (ranks next to July, 1866, incident); April 19, Amite; April 25, Port Vincent; May 1, St. Martinsville; October 4, Covington; October 19, Ozark to Grant, Rapides, Catahoula. He also mentions the unpunished assassinations in the northern and western parishes of the state.

<sup>80</sup> *Daily Picayune*, January 6, 1874.

<sup>81</sup> Louisiana *Acts*, 1874, No. 155, pp. 5-15. The *Picayune* says of this law: "The Czar of all the Russias does not hold a despotism more stupendous." *Daily Picayune*, July 30, 1874. Kellogg's reply to this article states that this bill has been confused with the election bill controversy in 1873; he points out the great necessity for new registration. *Republican*, July 30, 1874.

<sup>82</sup> Louisiana *Acts*, 1874, Nos. 4, 22, 64, pp. 42, 56-57, 113.

<sup>83</sup> Louisiana *Senate Journal*, 1874; Louisiana *House Journal*, 1874; Lonn, *Reconstruction in Louisiana*, 246-253; *Annual Cyclopaedia*, 1874, 476; Louisiana *Acts*, 1874.

<sup>84</sup> *Daily Picayune*, January 28, 29, February 1, 4, 6, March 6, 1874.

<sup>85</sup> *Republican*, March 29, April 2, 8, 1874.



On August 5 the Republicans held their nominating convention for this off-year election. At first there was general chaos among those present; however, before the end of the session they had agreed on their candidates for the Congressional posts, nominated Antoine Dubuclet for state treasurer, and adopted a series of resolutions. These resolutions praised the acts of the present national and state administrations, condemned the violence of the Democrats, and expressed the hope that conflict would be avoided in the forthcoming election.<sup>86</sup>

The opposition to Kellogg, assuming the title, "the white people of Louisiana embracing the Democratic party, the Conservative party, the White Man's party, the Liberal party, the Reform party, and all others opposed to the Kellogg usurpation," met in Baton Rouge on August 24. They nominated men for various vacant offices and selected John C. Moncure as their candidate for treasurer. In their platform they stated principles which had been previously announced, such as opposition to Kellogg, his government, laws and proposals, particularly the proposed constitutional amendments and new registration and election laws. They claimed that they desired friendly relations with the Negroes, but that it was necessary to elect competent white men to office.<sup>87</sup> As a prelude to the convention, the Democrats had sent a delegation to Kellogg to discuss the matter of supervision of registration. No agreement was reached. Former Lieutenant-Governor Voorhies, the principal participant in these discussions, told Kellogg that the registration act, "if tempered by mutual co-operation of both parties, acting on a common footing, might be made comparatively acceptable to the whole people of Louisiana, but not otherwise."<sup>88</sup>

The preparation of tickets by the parties was completed by August. In opposition to Kellogg's financial policies and appointments and the preparations made by the Republicans throughout the state to win the November election, the White League organized in early 1874. Carpetbaggers and Negroes were being organized and armed. It became evident to the whites that they must put forth stern resistance. As soon as the press of the state began to clamor for a united white man's party, efforts at organization were made. The first group appeared in April,

<sup>86</sup> *Annual Cyclopaedia*, 1874, 476-477; *Republican*, August 6, 7, 8, 9, 1874; *Daily Picayune*, August 5, 6, 7, 1874.

<sup>87</sup> *Annual Cyclopaedia*, 1874, 477; *Republican*, August 25, 26, 1874.

<sup>88</sup> *Republican*, August 13, 14, 15, 1874.

1874, at Opelousas. There was no state-wide organization of the White Leagues; this is stated in the resolutions adopted at the convention in Baton Rouge on August 24. The most active league was accomplished in northwestern Louisiana; however, white groups were at work over the entire state.<sup>89</sup>

Natchitoches Parish forced its judge, district judge, police jury, and tax collector to resign and flee the country. All were Radicals. This showed that the White League was functioning. Other places followed the example in Natchitoches; but Republicans did not resign without a struggle. It was in Red River Parish, the Radical stronghold of North Louisiana, that open conflict broke out in late August. The Radicals in Red River were led by Captain M. H. Twitchell, believed by the whites to be a man of schemes and fraud. The whites of the parish disliked and opposed him from the moment he assumed control. In the election of 1872 Twitchell managed to keep control through organizing the Negroes. During 1873 and 1874 demands were made for reform by the white people, but Twitchell ignored them. The events in Natchitoches increased the desire of the people here for governmental reform, and Twitchell realized that military intervention was necessary if Radical control was to be maintained. He visited Kellogg in July. A letter from Twitchell, in New Orleans, to sheriff I. S. Edgerton at Coushatta, later found among the sheriff's papers, exposed their whole plan:

New Orleans, La., August 4, 1874.

I. S. Edgerton, Sheriff Parish of Red River, Louisiana:

I received your letter this morning. Have seen the governor and United States marshal. As soon as some overt act has been committed, a United States marshal can be sent up there, and will, doubtless, take United States troops with him. I will advise you, in case a demand is made for your resignation, to be certain first that violence is to be used in case you do not, and to save your life, resign.

Natchitoches matters are not settled yet. The Governor will not allow a mob to govern the State.

M. H. TWITCHELL.

At Coushatta the people were preparing to oppose any scheme which Twitchell might force upon them on his return. Finally, in late August, conflict broke out between the races.

<sup>89</sup> Lestage, "The White League in Louisiana," in *Louisiana Historical Quarterly*, XVIII, 632, 635-649; *Republican*, August 18, 19, 21, 25, 1874.

On Sunday, August 30, the six officeholders who were driven out were taken off the boat on which they were leaving the parish and were shot to death. Twitchell was still in New Orleans seeking troops; therefore he did not suffer the fate of the six Republican officials at Coushatta.<sup>90</sup>

On September 3 Kellogg published his account of the Coushatta incident and offered "a reward of five thousand dollars each for such evidence as shall lead to the arrest and conviction of the said murderers, or any of them."<sup>91</sup> Early in August Kellogg had appealed for more Federal troops in Louisiana,<sup>92</sup> and with the occurrence at Coushatta, he renewed his appeals.<sup>93</sup> On September 3 he declared martial law. President Grant, at first, was non-committal on this question; but after a consultation with Attorney General George H. Williams and General W. W. Belknap, Secretary of War, the President issued these instructions:

Troops of the United States will be stationed at different and convenient points in your district for the purpose of giving you all needful aid in discharge of your official duties. You understand, of course, that no interference whatever is hereby intended with any political or party action not in violation of law. . . .<sup>94</sup>

Proof of the desire of Kellogg for Federal troops in Louisiana to preserve order was seen in his actions and appeals during July and August. Grant's feeling in regard to Louisiana in these days, preceding the Coushatta and New Orleans incidents, was presented in a later message:

Representations were made to me that the presence of troops in Louisiana was unnecessary and irritating to the people, and that there was no longer danger of public disturbance if they were taken away. Consequently, early in last summer, the troops were all withdrawn from the State, with the exception of a small garrison at New Orleans Barracks. It was claimed that a comparative state of quiet had supervened. Political excitement as to Louisiana affairs seemed to be dying out. But the November election was approaching, and it was necessary for party purposes that the flame should be rekindled.<sup>95</sup>

<sup>90</sup> Lestage, "The White League in Louisiana," in *Louisiana Historical Quarterly*, XVIII, 649-681; Lonn, *Reconstruction in Louisiana*, 264-265; *House Reports*, 43 Cong., 2 Sess., No. 261, pp. 884-888; *Republican*, August 29, 30, September 1, 1874.

<sup>91</sup> *House Reports*, 43 Cong., 2 Sess., No. 261, p. 776.

<sup>92</sup> *Senate Executive Documents*, 43 Cong., 2 Sess., No. 13, pp. 9-10; *Republican*, September 5, 1874.

<sup>93</sup> *Senate Executive Documents*, 43 Cong., 2 Sess., No. 13, pp. 11, 12.

<sup>94</sup> *Annual Cyclopaedia*, 1874, 478-479; *Republican*, September 4, 1874.

<sup>95</sup> *Senate Executive Documents*, 43 Cong., 2 Sess., No. 13, p. 4.



Lieutenant-Governor Antoine, when asked by a reporter about the necessity for troops, replied, "He will not be able to suppress disorders there unless he has Federal troops."<sup>96</sup> The events of early September were to prove conclusively that Federal troops were necessary to keep the Kellogg government in power.

Conditions in New Orleans did not improve with the advent of September. The Coushatta massacre and a tightening of control by the troops did not help to ease the tension.<sup>97</sup> The opposition to Kellogg in New Orleans, headed by F. N. Ogden, was known as the Crescent City White League.<sup>98</sup> The seizure of arms, probably intended for members of this League, was the spark which set the fire in New Orleans.<sup>99</sup> Kellogg defended this action of the troops by stating "that the bringing of arms evidently in large quantities was so formidable, so systematic, and so concerted, and promised so disastrous results to the peaceable community, not only to the peace of the community here but throughout the State and other States . . . that I did not see how I could consistently interfere with the actions of the police in endeavoring to stop these arms."<sup>100</sup> So with the seizure of arms and the anticipated seizure of arms from the steamer *Mississippi*, a mass meeting was called for Monday, September 14, 1874, at eleven o'clock on Canal Street at Clay Statue.<sup>101</sup>

The mass meeting was held with an estimated number of 2,000 to 5,000 in attendance. R. H. Marr served as chairman, and after a series of speeches, the following resolutions were adopted:

*Whereas*, At a general election held in Louisiana on the 4th day of November, 1872, John McEnery was elected Governor . . . ; and D. B. Penn Lieutenant-Governor . . . ; and

*Whereas*, By fraud and violence those defeated seized the Executive chair and from time to time, by other irregular, fraudulent, and violent acts, . . . W. P. Kellogg has continued himself in power to the gross wrong and outrage of the people of the State of Louisiana, and to the imminent danger of republican institutions throughout the country; and

*Whereas*, With a view to controlling and determining the results of the approaching election, . . . an act known as the registration act . . . ; and

<sup>96</sup> Chicago *Inter-Ocean*, quoted in *New Orleans Republican*, September 4, 1874.

<sup>97</sup> Lonn, *Reconstruction in Louisiana*, 268.

<sup>98</sup> John S. Kendall, *History of New Orleans*, 3 vols. (Chicago, 1922), I, 360.

<sup>99</sup> *Daily Picayune*, September 9, 10, 11, 12, 1874.

<sup>100</sup> *House Reports*, 43 Cong., 2 Sess., No. 101, Part 2, p. 198.

<sup>101</sup> *Daily Picayune*, September 13, 1874.

*Whereas*, by false and infamous misrepresentations of the feelings and motives of our people, he has received promise of aid from the Federal Army, . . . for the purpose of overawing our State, and controlling the election; and

*Whereas*, . . . this mockery of a republican government has dared even to deny . . . the right of the people to keep and bear arms . . .

*Resolved*, That we reaffirm solemnly the resolutions adopted by the . . . convention, . . . at Baton Rouge, on the 24th of August, 1874, . . . in the name of the citizens of New Orleans, now in mass-meeting, and of the people of the State of Louisiana, . . . we demand of W. P. Kellogg his immediate abdication.

*Resolved*, That a committee of five be immediately appointed . . . to wait on W. P. Kellogg . . . and report. . . .<sup>102</sup>

Kellogg was visited by the committee, but he did not see them, "because he has definite and accurate information that there are now assembled several large bodies of armed men in the different parts of the city, who are met at the call which convened the mass meeting which you represent," said Henry C. Dibble of the governor's staff. The committee insisted that there were no armed rioters; Dibble insisted they were wrong. After the committee reported its failure to see Kellogg, the mass meeting broke up with an appeal to arms to drive the Kellogg government from power. D. B. Penn declared himself lieutenant-governor and acting governor in the absence of McEnery and issued a proclamation to all citizens to arm and assemble.<sup>103</sup>

With the mass meeting brought to an abrupt end, conflict ensued—"the Revolution of September 14, 1874." Kellogg's own description of the events before the actual battle indicate that he had no intention of any collision; however, his troops were prepared to prevent the arms from the *Mississippi* reaching the White Leaguers.<sup>104</sup> Packard had warned Washington that there was "danger of conflict imminent."<sup>105</sup> Accounts of this struggle vary, depending on the informant; but it is known that General Longstreet, commanding the state militia, and General Badger, chief of police, led the Kellogg forces, while F. M. Ogden commanded the insurgents. By the next morning the insurgents were

<sup>102</sup> *Annual Cyclopaedia*, 1874, 479-480.

<sup>103</sup> *Republican*, September 15, 1874; *Daily Picayune*, September 15, 1874; *Annual Cyclopaedia*, 1874, 480.

<sup>104</sup> *House Reports*, 43 Cong., 2 Sess., No. 101, Part 2, p. 199.

<sup>105</sup> *Senate Executive Documents*, 43 Cong., 2 Sess., No. 13, p. 13.

in control.<sup>106</sup> Packard and Kellogg both appealed to Grant for aid on September 14. Kellogg's plea was as follows:

Under article four, section four, of the Constitution of the United States, I have the honor to inform you that the state is now subject to domestic violence of a character that the State forces, under existing circumstances, are unable to suppress, and the legislature not being in session and not being able to be convened within the requisite time to take action in this matter, I respectfully make requisition upon you to take measures to put down the domestic violence and insurrection now prevailing.<sup>107</sup>

With the overthrow of the government by arms, D. B. Penn was officially inducted into office on September 15 and Kellogg remained in the Custom House where he had sought refuge. Penn sent a dispatch to the President requesting him to withhold Federal interference; however, Grant issued a proclamation on September 15 commanding "said turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within five days from this date, and hereafter to submit themselves to the laws and constituted authorities of said State; and I invoke the aid and cooperation of all good citizens thereof to uphold the law and preserve the public peace."<sup>108</sup>

With this proclamation the insurgent government fell to the United States forces under General W. H. Emory and Colonel J. R. Brooke, the newly appointed commander of United States forces in New Orleans. On September 18 General Emory notified Kellogg of the surrender of McEnery and Penn, and the next day Kellogg resumed office. A few days later, on September 23, the insurgents published a defense of their actions, and on September 30 Kellogg published an address defending his administration.<sup>109</sup>

The excitement of the people of New Orleans at the overthrow of the Kellogg government was expressed in the following editorial:

At 9 o'clock this morning Louisiana leaped from bondage into the full strength and splendor of freedom. Borne down, repressed, tortured and despoiled for six long, weary

<sup>106</sup> *House Reports*, 43 Cong., 2 Sess., No. 101, Part 2, pp. 213-215; *Republican*, September 15, 16, 1874; *Daily Picayune*, September 15, 16, 1874; *House Reports*, 43 Cong., 2 Sess., No. 261, pp. 798-824. In these references there is presented materials that give an entire account of the events as furnished to the investigating committee in 1875.

<sup>107</sup> *Senate Executive Documents*, 43 Cong., 2 Sess., No. 13, p. 13.

<sup>108</sup> *Annual Cyclopaedia*, 1874, 481.

<sup>109</sup> *Ibid.*, 481-486.



years, the jest of the spectators and the spoil of thieves, her great arm has at last been lifted, and with one tremendous blow the fetters have been stricken from her limbs. For this one day, if never again, she breathes the air of liberty. Her persecutors are scattered. The scurvy horde of robbers, paid ruffians, and brutal task-masters are vanished. There is no one who dares to brave the indigation of a great people roused at last.<sup>110</sup>

An interview with Kellogg on September 16, reported in the *Picayune*, quoted the governor as saying: "I did not look for this revolution, thought it was a mere bubble. If I had asked for and got United States troops here one week ago there would have been no trouble; but I did not anticipate the movements of citizens and consequently they rose up against me. I'm no military man, therefore must depend upon others. Did not order the disposition of Metropolitans yesterday, General Longstreet did. I deemed it best to act safe, but my counsel advised, as we were the State, to move out and disperse the insurgents in our right of government, and thereby assert the power of law. This was done. I regret that blood was shed; I did not desire it." Kellogg concluded with a plea to be allowed to remain in the state and the hope that "no animosity" would be felt against him. Another interview by a reporter of the *Times* on the seventeenth says that Kellogg is confident of Federal support and his continuance in office as governor.<sup>111</sup>

According to the *Picayune*, Kellogg's return to office was very quiet:

... Kellogg stepped into the Executive chamber unaccompanied by friends, and in the presence of General Brooke, seated himself in the gubernatorial chair. This, and this only, was his reinstallation so imperiously ordered from Washington. There was no music, no cheers. The negroes opposite appeared congregated there more from curiosity than joy or demonstration.

Kellogg's friends claimed that he rode through the city in an open carriage and unaccompanied. This is probably true, although no one saw him do it.<sup>112</sup>

The fact that Kellogg left the State House to hide in the Custom House proved to be a point of criticism. In a letter Kellogg justified his action:

<sup>110</sup> *Daily Picayune*, September 22, 1874.

<sup>111</sup> *Times*, September 17, 1874.

<sup>112</sup> *Daily Picayune*, September 20, 1874.

I left the State House Monday [14] at the earnest solicitation of all our friends. The Lieutenant Governor and Speaker being absent from the State, an accident to me, they felt, would have made complications desperate. None but colored militia in the State House, and had they made any resistance they would have been burned out and massacred, the building being entirely indefensible.<sup>113</sup>

The restoration of the Kellogg government by Federal forces showed that this government could not stand by its own power. It was frankly being kept in office by the national government despite the fierce resistance of the whites in Louisiana. There the matter rested while both sides turned their attention to the election of 1874. Grant himself said:

Troops had been sent to the State under this requisition of the governor, and as other disturbances seemed imminent they were allowed to remain there to render the executive such aid as might become necessary to enforce the laws of the State, and repress the continued violence which seemed inevitable the moment Federal support should be withdrawn.<sup>114</sup>

#### CHAPTER IV

##### MAINTAINING A CARPETBAG ADMINISTRATION IN POWER

As soon as some of the excitement created by the events of September 14, 1874, had subsided, the people of Louisiana turned their attention to the forthcoming election for members of Congress and the legislature and for the office of state treasurer. Enthusiasm in the ranks of the opposite party was high, for it was felt that gains against Kellogg through the election of Democrats would be a blow in the destruction of Republicanism.

During September and October both sides issued the usual complaints about the registration of voters. Democrats complained of the use of Federal soldiery, and Republicans complained of Democratic aggressiveness. Both sides used the cry of illegal registration to its full limit.<sup>1</sup>

During August there had been an attempt at the settlement of questions pertaining to the election, but it failed.<sup>2</sup> In late September representatives from the two parties met and tried

<sup>113</sup> *Republican*, September 19, 1874.

<sup>114</sup> *Senate Executive Documents*, 43 Cong., 2 Sess., No. 13, p. 5.

<sup>1</sup> *House Reports*, 43 Cong., 2 Sess., No. 261, Part 3, pp. 132-711, 752-1047; *House Reports*, 43 Cong., 2 Sess., No. 101, pp. 22-287; Lonn, *Reconstruction in Louisiana*, 278-284; *Annual Cyclopaedia*, 1874, 487.

<sup>2</sup> *Republican*, August 13, 14, 15, 1874.

to work out a compromise arrangement for the registration of voters and the canvassing of the votes. This agreement was made public on September 29. It embraced the following points:

1. The committee representing the Conservative People's party pledge themselves to cause all violence and intimidation, if any exists, to cease . . . , and to assist the constituted authorities in maintaining peace and insuring a strictly fair and impartial registration and election; . . . .

2. There is hereby constituted and established an Advisory Committee, composed of five members, namely: Messrs. Albert Voorhies and E. A. Burke, selected by the representatives of the Conservative People's party, and Messrs. S. B. Packard and B. F. Joubert, selected by the representatives of the Republican party, and of an umpire, namely, Dr. M. F. Bonzano, who has been jointly selected. This Advisory Committee is to supervise and carry on the registration throughout the State, . . . suggesting changes in the registration officers and the manner of conducting and carrying on the registration, Governor Kellogg, . . . of his own accord pledging himself to act upon the advice and suggestions of the Advisory Committee. . . .

3. . . . two persons . . . named by the representatives of the Conservative People's party, who shall be elected according to law, to fill two vacancies which shall be created by resignation in the Returning Board within twenty days.

D. F. Kenner signed this agreement for the Conservatives and A. A. Atocha for the Republicans. In the negotiations, Kellogg, Packard, Atocha, B. F. Flanders, James Lewis, B. F. Blandin, W. G. Brown and B. F. Joubert represented the Republicans; John McEnery, D. B. Penn, B. F. Jonas, Samuel Chopin, Albert Voorhies, D. F. Kenner, C. Beard, G. W. Mott, and D. S. Cage represented the Democrats and Conservatives.<sup>3</sup>

The New Orleans *Republican* saw in this conference something strange in "that Governor Kellogg and a number of leading Republicans should hold conferences with the man who just one week ago sought their lives, and had they been captured, would, without doubt been sacrificed."<sup>4</sup> Kellogg, while this compromise talk was prevalent, asserted his claim to his office and had to denounce verbally rumors to the effect that he intended to resign. For this the opposition condemned him and pointed to him as the servitor of Grant.<sup>5</sup>

<sup>3</sup> *Ibid.*, September 30, 1874; *Annual Cyclopaedia*, 1874, 486-487.

<sup>4</sup> *Republican*, September 22, 1874.

<sup>5</sup> *Ibid.*, September 24, 1874; *Times*, September 27, 1874.



Following the ratification of this agreement, the Democrats and Conservatives published a statement asserting that the compromise did not mean a recognition of the legality of Kellogg's government or a withdrawal of the Louisiana case from Congress. Kellogg, of course, made a reply to this address and defended his cause. He objected to the injection of old issues into the present situation, stated emphatically that it was expected that both parties should live up to the agreements made, and resented the whole tenor of the address which assumed "toward the Republican party a tone of superiority and acrimony."<sup>6</sup>

The Advisory Board set up by this agreement did not have a long history. On October 15 Dr. Bonzano, the umpire, resigned because of the protest registered by two Conservative members of the board regarding his actions. Committees from both parties met with the intention of selecting his successor and discussing alleged violations of the agreement. Nothing came from these meetings and when this conference committee adjourned *sine die* on October 20, the functions of the Advisory Board virtually came to an end.<sup>7</sup>

At this time the proposal of arbitration was brought up again between McEnery and Kellogg, but it met its usual fate—death. Kellogg issued a statement about arbitration and concluded it by stating:

I can now, of course, only speak for myself, but I would even now be willing that the returns, though they have been for nearly two years "in the hands of the spoilers," should be submitted to the examination of three or five disinterested persons, to be appointed, say by the President of the United States, and if after a thorough investigation it does not appear that I was elected I will willingly resign. The circumstances attending the last election in this State have never yet been thoroughly and fairly investigated, nor can they be except upon the spot where the election occurred, and where the proofs, pro and con, are readiest to hand. . . .

In speaking of arbitration the *Picayune* did give Kellogg credit as the only man in his party ready to do this but branded the last proposal as "marked by a disingenuousness and insincerity which are absolutely revolting." The *Republican* commenting on the episode said that the matter was not for either Kellogg or McEnery to decide but for the party and the people.<sup>8</sup>

<sup>6</sup> *Republican*, October 8, 1874; *Annual Cyclopaedia*, 1874, 487.

<sup>7</sup> *Republican*, October 17, 20, 21, 1874; *Annual Cyclopaedia*, 1874, 488.

<sup>8</sup> *Daily Picayune*, October 13, 15, 1874; *Republican*, October 14, 1874.

Distrust and growing differences between Kellogg and certain Negro leaders and New Orleans politicians during October did not tend to ease the situation surrounding the forthcoming election.<sup>9</sup>

The naturalization and double ballot box questions, especially in the Second District Court in New Orleans, brought forth a personal encounter on October 29 between E. A. Burke, chairman of registration for the Democratic and Conservative party, and Kellogg in which shots were fired but neither man was hurt.<sup>10</sup>

As the election drew near Kellogg made a special plea for the passage of the constitutional amendments that were before the electorate and urged that their adoption was necessary to "advance the material interests of the State and lighten the burdens of the people."<sup>11</sup> The candidates were not important as individuals but were important for the parties they represented.

The election of 1874 was a peaceful one as in 1872 and the events that followed the election are more significant than the election itself. The presence of Federal troops in the state on election day brought forth protest by the Conservatives, although the troops did not interfere with the activities of the day. The Democrats felt that they had secured a victory, and held a torchlight parade on November 7.<sup>12</sup>

The election law under which the 1874 contest was held was different from that one under which the election of 1872 was held. It was passed in 1872 after the election and provided that there should be five persons on the returning board elected by the state Senate from all political parties.<sup>13</sup> The canvassing of the

<sup>9</sup> *Daily Picayune*, October 15, 16, 1874; *Republican*, October 9, 1874.

<sup>10</sup> The account found in the *Republican* of October 30, is as follows:

Yesterday afternoon between three and four o'clock, while Governor Kellogg, accompanied by Judge Atocha, was driving leisurely up Canal Street to his home, in a cab, the vehicle was hailed by Major E. A. Burke at a point between Rampart and Basin streets. The carriage was stopped and the Governor extended his hand in friendly greeting. Major Burke seized the proffered hand, stepped upon the side of the carriage, and attempted to pull the Governor from his seat, at the same time striking at the Governor. The driver immediately started the team, throwing Burke to the ground. As the carriage started Governor Kellogg drew his pistol and fired through the back of the carriage, the curtain being rolled up at the time. Burke drew his weapon and fired five shots at the retreating carriage, but fortunately none of them took effect. Quite a crowd gathered, and there was for a time considerable excitement in the neighborhood. Major Burke surrendered himself immediately to Detective Walsh.—Released on parole.

The account of the *Picayune* of October 30 differs in certain respects. This account states that Kellogg smiled sarcastically and with his finger made a gesture of derision. When Kellogg refused to get out of the carriage, the *Picayune* reporter says that Major Burke climbed partly into the carriage and struck Kellogg with a cowhide. This same reporter examined Kellogg's pistol, "Swamp Angel," a common silver pistol, and said that only one shot was fired.

<sup>11</sup> *Republican*, November 1, 1874.

<sup>12</sup> *Annual Cyclopaedia*, 1874, 488-489.

<sup>13</sup> *Ibid.*, 489; *Louisiana Acts*, 1872, No. 98, pp. 15-28.

returns of the election of 1874 by this board proved to be such a laborious and trying task that the results were not declared until December 24, 1874. Constant disputes between Conservatives and Republicans filled these two months. The Conservatives objected to the board from its inception by declaring it illegal. James Madison Wells as chairman of the board in his report of the findings on the twenty-fourth declared that the Republicans had triumphed but that fraud and intimidation were prevalent. He pointed out further that certain polls and parishes had been thrown out because the forms "required by law" had not been observed. The Conservatives on the previous day had filed a report in which they declared that they had triumphed at the polls. At this time John McEnery published a protest in which he declared "the wrong just perpetrated by the Returning Board against the people of Louisiana, and which vitally threatens the safety and integrity of republican institutions in the United States is a more crowning infamy than the action of the Lynch Returning Board, surpasses even the midnight order of Durell, and would not be submitted to by any free people."<sup>14</sup> Thus in Louisiana there was a repetition of the scenes following the election of 1872. During this controversy Kellogg was accused of influencing the returning board. In an open letter to the press he denied this, and said he hoped that "they [the returning board] will do only what they believe to be their duty regardless of advice or solicitations from any source."<sup>15</sup>

Early in November Kellogg again became ill. This attack of fever kept him in bed for several days and prevented him from conducting official business.<sup>16</sup> Upon his recovery it was rumored that he planned a trip to Washington. Kellogg's fear that Antoine would seize power during his absence, claimed the opposition, was responsible for the postponement of the trip.<sup>17</sup> The chief executive remained in Louisiana to face the legislative session of 1875 without the aid from Grant that a trip to the nation's capital might have secured.

There was general dissatisfaction with the returning board's decision and an air of tension prevailed throughout the state as January heralded a meeting of the legislature. On December 24,

<sup>14</sup> *Republican*, November 12, 13, 14, 15, 17, 20, December 4, 18, 19, 22, 23, 25, 1874; *Daily Picayune*, December 22, 24, 1874; *Annual Cyclopaedia*, 1874, 488-493.

<sup>15</sup> *Republican*, December 23, 1874; *Daily Picayune*, December 21, 1874.

<sup>16</sup> *Republican*, November 6, 7, 1874; *Daily Picayune*, November 7, 9, 1874.

<sup>17</sup> *Daily Picayune*, November 28, 29, December 5, 1874.



1874, President Grant sent General P. H. Sheridan on a tour of certain southern states with an order "to assume command of the Military Division of the South or any portion of that division, should you see proper to do so." Grant also warned Sheridan "that the trip should appear to be one as much of pleasure as of business, for the fact of your mere presence in the localities referred to will have, it is presumed, a beneficial effect." It was hoped, as Grant stated, that Sheridan "might be able to obtain a good deal of information on the subject about which we desire to learn."<sup>18</sup> Thus there was added to the complexity of the situation in New Orleans the presence of Sheridan who represented the hand of Grant in Louisiana.

Wild rumors and speculations filled the air as January 4, 1875, arrived. Federal troops and the militia were stationed around the state house. It was not therefore surprising that on the fourth the attempt of L. A. Wiltz to organize the House, seating the Democrats and Conservatives and ejecting the Republicans, was broken up by General De Trobriand with his troops. Those members seated in the places of Republicans returned by the board were expelled. The journal of proceedings of the House stated that "immediately after the calling of the roll, disturbances and revolutionary proceedings ensued, and upon their subsidence the organization of the house was proceeded with."<sup>19</sup>

The resentment of the whites of Louisiana and their Northern supporters flared up at the action of General Sheridan. He took command on the fourth in compliance with his secret order from Grant and on the next day issued his famous order known as the "banditti" message: "It is possible that if the President would issue a proclamation declaring them banditti, that no further action need be taken except that which would devolve upon me." Grant supported Sheridan. The opposition was quick to send its own accounts of the events of these few days to Washington. Sheridan's view, they claimed, was partisan and biased.<sup>20</sup> McEnery on the sixth sent the following message to Grant:

In the name of liberty and all lovers of liberty throughout the United States, I do most solemnly protest against the acts of the military forces of the United States on yester-

<sup>18</sup> *Senate Executive Documents*, 43 Cong., 2 Sess., No. 13, pp. 19-20; *Annual Cyclopaedia*, 1874, 493.

<sup>19</sup> Lonn, *Reconstruction in Louisiana*, 293-298; *Republican*, January 5, 1875.

<sup>20</sup> *Annual Cyclopaedia*, 1874, 498-501; *Senate Executive Documents*, 43 Cong., 2 Sess., No. 13, pp. 21, 22-33.

day, in the occupation of the State-House; in the forcible ejection by the troops of members of the Legislature and the elected Speaker of the House, and the subsequent organization of the House by the direct and forcible intervention of the military. I affirm before the whole American people, that the action on the part of the military in this city yesterday is subversive of the republican institutions of this free country.<sup>21</sup>

The attention of Congress was inevitably drawn to Louisiana, and Grant was forced to defend his actions in his message on January 13, 1875. He justified the actions of the military force by asserting that "knowing that they had been placed in Louisiana to prevent domestic violence and aid in the enforcement of the State laws, the officers and troops of the United States may well have supposed that it was their duty to act when called upon by the governor for that purpose." He continued his support of Sheridan's actions by saying that "Sheridan was looking at the facts and possibly not thinking of proceedings." He deplored the fact that it was necessary "to have United States troops interfere in the domestic concerns of Louisiana or any other state," but said "it is quite certain that there would have been no trouble if those who now complain of illegal interference had allowed the house to be organized in a lawful and regular manner." In concluding his message Grant erased all blame from his shoulders by reasserting to Congress "that its inaction has produced great evils." In this message Grant reviewed the entire Louisiana question since 1872 and accompanied it with certain documents pertaining to the issues.<sup>22</sup>

Varying accounts of the events that transpired on January 4 exist. The report of the congressional committee, Sheridan's communications, the accounts by Conservatives and by the Republicans, and the Louisiana state journals all vary as to some of the details concerning the seizure. Each group was trying to justify itself for the part played in the reconstruction drama on that day.<sup>23</sup>

Kellogg's own account of these tense days was furnished to the congressional committee when he testified before it. He

<sup>21</sup> *Annual Cyclopaedia*, 1874, 499.

<sup>22</sup> Richardson, *Messages and Papers*, VII, 305-314.

<sup>23</sup> *House Reports*, 43 Cong., 2 Sess., No. 101, pp. 287-341; *Senate Executive Documents*, 43 Cong., 2 Sess., No. 13; *Senate Miscellaneous Documents*, 43 Cong., 2 Sess., Nos. 45, 46; *Louisiana House Journal*, 1875, pp. 1-16.

claimed that he suspected the danger of conflict on Monday, January 4, and that he had talked to General Emory. Continuing the story Kellogg said:

A few minutes after noon a number of members of the House informed me that the opposition had seized the hall, and jostled the clerk out while he was calling the roll; General Campbell was in charge of the State House; he requested me to furnish him with a sufficient force to clear the hall of a mob; there was great confusion; members told me that they had been prevented organizing; they asked for protection; I then sent a note to General Emory; I received a reply that General De Trobriand was near at hand, and would furnish me with such assistance as was required to quell a mob; I directed Campbell to have the police massed in front of the hall, in command of Captain Lawlor; the police were ejected by Mr. Wiltz' friends; about that time I wrote a note to the General, telling him that a large number of men were crowding forward; the military were placed on a street near the State House; I then determined to invoke military aid, the police being unable to disperse the crowd; I asked for the soldiers to move to the State House; I asked to have such persons as did not belong in the hall ejected—none others; I directed General Campbell to assist General De Trobriand in ejecting the objectionable men; when I asked to have the troops moved up to the door General De Trobriand told me that he had seen Mr. Wiltz just before and that Mr. Wiltz thanked him for the interference he had made; I do not know what the military commander's instructions from Washington were, do not know whether instructions were received from Washington last Monday; I had no communication with Washington; the force under General Campbell was the Metropolitan Brigade and some volunteers; the Royal Street entrance of the building was closed; the St. Louis Street entrance was used; all persons who claimed to be elected to the Legislature were admitted; I was here all the time; I recognized only the old clerk and the old sergeant-at-arms; I did not retain copies of all the communications I sent out in the fourth instant; those sent to the military will be returned to me, or copies furnished; the Returning Board returned 106 members; there should be 111 members in all; I have never interfered or tried to influence the Returning Board; there were fifty-two Republicans and forty-nine Democrats; had only a general knowledge of that fact; was informed that men suddenly appeared in the hall with badges as sergeants-at-arms, assuming aggressive attitude; this influenced me in my action; legislative bodies in the State have authority as to qualifications of members; the practice, which



I deprecate has been in this state to seat contestants of their own party in most cases; was satisfied that the action yesterday was a Revolutionary movement; . . . .<sup>24</sup>

When Congress met in December, 1874, the House ordered the creation of a committee of seven headed by Georg F. Hoar on that portion of the President's message relating to the South. This committee sent a subcommittee of three to New Orleans on December 22 to make an investigation. The subcommittee was composed of two Republicans, Charles Foster and William Phelps, and one Democrat, Clarkson Potter. They were present in New Orleans during the stirring events of January 4, 1875. They held sessions for eight days, examining 95 witnesses, and the final report of their investigation contains 1500 printed pages. The testimony taken by the committee is divided into five parts: Testimony in Relation to: I, the action of the Returning Board; II, Intimidation and the Elections; II, the Whites Leagues; IV, General Conditions and Action of the State; V, the Affair of January 4. Documents pertaining to the investigation are filed in the appendix. When the report was presented in Washington, excitement ran high, as the findings were favorable to the opposition to Kellogg. The committee reported "that the action of the returning board, on the whole, was arbitrary, unjust, and in our opinion, illegal; and that this arbitrary, unjust and illegal action alone prevented the return by the board of a majority of conservative members of the lower house." The findings also showed that "the people of the State of Louisiana did fairly have a free, peaceable, and full registration and election, in which a clear conservative majority was elected to the lower house of the legislature."<sup>25</sup>

Republicans, hoping to counteract the damaging effect of this report, sent another committee to New Orleans to investigate on January 22. George F. Hoar, William A. Wheeler, William P. Frye, all Republicans, and Samuel Marshall, Democrat, composed this group. They represented the remainder of the committee of seven. Their report was the exact opposite of the first report. This group, except for one member, presented in detail the acts of violence and bloodshed, and intimidation by the whites. They agreed that the election of 1874 was filled with fraud and violence and that the subsequent action of the returning board was

<sup>24</sup> *Republican*, January 6, 1875. The testimony of Kellogg is officially recorded in *House Reports*, 43 Cong., 2 Sess., No. 101, Part 2, pp. 296-307.

<sup>25</sup> *House Reports*, 43 Cong., 2 Sess., No. 101.

illegal, but did not recommend a new election. The solution, they suggested, would be the recognition of the Kellogg government by Congress.<sup>26</sup> There was disagreement in this group, and Marshall presented his own conclusions. He declared "that the only solution of the Louisiana problem is to withdraw the heavy hand of Federal power and the interference in local affairs of the Federal officials, and leave the people free to manage their own affairs without interference from without, and subject only to the Constitution and laws of the Federal Government."<sup>27</sup>

In the final report to the House of the committee of seven there were majority and minority statements: majority report by Foster, Phelps, Potter, and Marshall; minority report by Hoar, Wheeler and Frye; and statement of different views by Marshall.

But the visits of these committees to Louisiana resulted in a compromise which lasted for a short time. Everything else had been tried. During 1873 and 1874 there had been no talk of compromise. On January 2, 1875, Kellogg addressed a letter to Foster of the subcommittee to include the election of 1872 in his committee's investigation. On the fifth the Fusionist ticket addressed the same request to Foster. These proposals were also submitted to the Hoar, Wheeler and Frye committee when it came to Louisiana on January 22.<sup>28</sup> At a caucus of the Conservatives on the twenty-third the first step toward the solution of the problem created by the election of 1874 was made when the committee was asked "if the task is not considered too onerous, to take the returns of the election of 1874, together with all fair and relevant testimony, and upon such returns and evidence declare what members of the Legislature were fairly elected."<sup>29</sup> After many consultations Wheeler finally submitted a plan of adjustment to the Democratic caucus on February 5. It provided that this committee of seven should award seats in the House after due investigation and that they would not seek to "disturb the present State government" or "to impeach the Governor for any past official acts and that henceforth we will accord to said Governor all necessary and legitimate support in maintaining the laws and in advancing the peace and prosperity of this State."<sup>30</sup> There was great objection to this proposal by the Con-

<sup>26</sup> *House Reports*, 43 Cong., 2 Sess., No. 261, p. 5.

<sup>27</sup> *Ibid.*, p. 37.

<sup>28</sup> *The Louisiana Adjustment*, 25-30.

<sup>29</sup> *Annual Cyclopaedia*, 1875, 457.

<sup>30</sup> *The Louisiana Adjustment*, 30-31.

servatives although it had been adopted by the caucus. Radicals were dissatisfied, for they had never consented to such arbitration.<sup>31</sup> Finally a new proposition was drawn up but was rejected by Wheeler when it was presented to him in Mobile after he had left the state for Washington. It had been impossible to work out the plan before Wheeler's departure. By this agreement the House was to be organized on the basis of the committee award, the election of 1872 was not included, and "the Conservative members to sign an agreement that, while not approving or recognizing the legality of the government known as the Kellogg government, we agree not to disturb the Executive, because of his last political acts so long as he is sustained by the President."<sup>32</sup> Compromise negotiations were renewed after continuous agitation from Louisiana and a continuance of the drama in Washington. Finally, on March 13, the award was made and signed by the entire committee.<sup>33</sup> On March 1, 1875, the national House of Representatives passed a resolution recognizing Kellogg "as the governor of the state of Louisiana until the end of the term of office fixed by the constitution of that State."<sup>34</sup> The Senate on March 23 after lengthy debate and a large amending process passed the following resolution: "That the action of the President in protecting the government in Louisiana of which W. P. Kellogg is the executive, and the people of that State against domestic violence and in enforcing laws of the United States in that State, is approved."<sup>35</sup> Now finally after three years Congress took definite action on the Kellogg government.

The session of the legislature which began on January 4 ended in March without really having accomplished very much, as absenteeism prevailed and the people of Louisiana were concerned primarily with effecting the plan of adjustment.<sup>36</sup> With the success of adjustment in sight talk of an extra session of the legislature began. On February 23, 1875, Kellogg addressed the following letter to Wheeler:

It seems to me an extra session is unnecessary. The expense in the present depressed pecuniary condition of the state will be very serious. The regular session does not close until midnight Thursday, March 4. If the Conservatives

<sup>31</sup> Lonn, *Reconstruction in Louisiana*, 362-364.

<sup>32</sup> *Annual Cyclopaedia*, 1875, 458.

<sup>33</sup> *The Louisiana Adjustment*, 32.

<sup>34</sup> *Congressional Record*, 43 Cong., 2 Sess., 1986-1987.

<sup>35</sup> *Ibid.*, 44 Cong., 1 Sess., 148.

<sup>36</sup> *Republican*, March 6, 1875.



will take their seats there will be time enough to arrange terms of adjustment and to pass such measures of reform as are urgently needed. I will earnestly co-operate to that end. If the President and yourself think an extra session should be called I will call it; but in any case, I ask that you come here at once to aid in carrying out the details of the adjustment as proposed.<sup>37</sup>

Kellogg was willing to call an extra session of the legislature if both parties accepted the adjustment. He confessed to a reporter that he knew "that many of my [Kellogg's] friends think otherwise but I think there should be an extra session after the adjustment is accepted, and it should be called within a short time and some people think it should be delayed until the next regular session, but I believe in an early one for a short time."<sup>38</sup> So on March 24 Kellogg issued a proclamation calling for a ten-day special session from Wednesday, April 14, at twelve o'clock to Saturday, April 24, at twelve o'clock. According to this proclamation the objects of legislation for this gathering were:

1. [Joint resolution] in relation to the adjustment of the political difficulties heretofore existing in this State.
2. Revenues of the State and the mode of collecting and disbursing the same.
3. Amendment of the funding law with respect to the number of members composing the Funding Board and with respect to the manner of preventing the funding of illegal obligations of the State.
4. Revenues, financial condition and government of the city of New Orleans.
5. Relief of the commerce of New Orleans from excessive port charges, fees, etc.
6. To consider the incorporation of the Board of Trade of New Orleans.<sup>39</sup>

Both groups met in caucus on the days before the assembling of the legislature. After a reading of the adjustment, Governor Kellogg addressed the Republican caucus in the rotunda of the state house in support of it. The session proceeded with the acceptance of the award, a recognition of the Kellogg government and the passage of a few bills at the last minute for the relief of taxpayers and for appropriations.<sup>40</sup> But on April 21 Kellogg

<sup>37</sup> *Ibid.*, February 25, 1875.

<sup>38</sup> *New Orleans Bulletin*, March 16, 1875.

<sup>39</sup> *Republican*, March 25, 1875.

<sup>40</sup> *Louisiana Senate Journal*, Extra Session, 1875; *Louisiana House Journal*, Extra Session, 1875.

had to send an extra message to the legislators begging that something be done. This was in addition to his regular message at the opening of the special session.<sup>41</sup> In his message at the opening of this session he had expressed the following sentiments in addition to presenting the specific objectives of legislation:

One of the principal objects of the present session is to give effect to an adjustment of past political differences. The theory of this adjustment, as I understand it, is that it is a free and voluntary concession by each party for the sake of peace and the common interest. This extraordinary session has been called chiefly to ratify and confirm, in the most solemn and formal manner, this mutual concession and at the same time it presents an opportunity to restore peace, order and confidence. We know how great blessings these things are, for we have been so long deprived of them.

In conclusion permit me to say that your action in the session on which you have entered will be watched with great interest, not only by your fellow-citizens but by the whole country. I venture to indulge the hope that by wise, prudent and salutary action on your part the troubles of our State will be substantially ended, and that out of them will spring a condition of harmony and peace un hoped for a few months since. This result attained, I believe Louisiana will speedily take the position she ought to occupy as the most progressive and prosperous State in the South.<sup>42</sup>

Even with the acceptance of the compromise by the Conservative members of the legislature there was a group in the state which kept up the agitation that had been in existence throughout the days of reconstruction.<sup>43</sup> The sentiments of this group were to be voiced openly in a convention on January 5, 1876.<sup>44</sup> Meantime, however, the Republicans were having their own troubles in state administration. Charles Clinton, auditor in Kellogg's cabinet, was brought before the Superior Criminal Court and tried for mismanagement of funds in his department. During the last part of 1875 the attention of Louisiana's citizens was focused on this disgraceful episode. A. P. Field, the attorney general, and Clinton fought one another in the courts, in the press and in all other ways short of physical violence. Clinton resigned his position December 15 and Kellogg appointed a successor. In

<sup>41</sup> *Daily Picayune*, April 22, 1875.

<sup>42</sup> *Special Message of His Excellency Governor Wm. Pitt Kellogg to the General Assembly of Louisiana, Extra Session of 1875*, 4, 10.

<sup>43</sup> Lonn, *Reconstruction in Louisiana*, 380-384.

<sup>44</sup> *Republican*, January 6, 1876.

accepting his resignation Kellogg said that he had "never for one moment believed you to have been personally guilty of dishonesty or corruption in the administration of your office."<sup>45</sup>

Late in May, 1875, Kellogg was hurt in an accident when the buggy in which he and Packard were riding collided with another buggy. Kellogg suffered leg injuries, and the resulting lameness kept him from conducting official business for a while. It was at this time that he had his beard shaved off. This altered his personal appearance radically. Of this the *Picayune* said, "Since Kellogg has parted with his beard he might be called a shaver." His looks were so changed that one lady would not believe that he was the same man that she had seen before. The governor had to go to the extreme of comparing signatures to prove to her that now "the man with the silver gray moustache, was the one she had seen sporting a full black beard, the winter before."<sup>46</sup> As summer approached, business at the state house became dull, and Kellogg made plans to go North. Some fear was expressed at the thought of Antoine's assumption of the duties of chief executive, and one newspaper warned that Kellogg "should not lose sight of a telegraph office, as an emergency might arise which would require his speedy return."<sup>47</sup> Governor and Mrs. Kellogg left on their trip on August 8, 1875, and returned on October 26. Kellogg's visit to the resorts and cities of the East was partly for his health and partly for business.<sup>48</sup> It was claimed that on this trip "his special efforts have been to forward our railroad interests, improve the value of our securities, and reconcile holders of bonds at home and abroad to the operation of the funding law."<sup>49</sup> Kellogg tried to create confidence in Louisiana among Northerners through his favorable picture of conditions in the state. To the Washington correspondent of the *New York Times* he boasted of Louisiana thus:

In conversation Kellogg speaks hopefully of the future of Louisiana. The crops of rice and sugar will be better this year than they have been for the past twenty years, while cotton promises a larger yield than during any year since the war. For the first time in its history the State has raised

<sup>45</sup> *Annual Cyclopaedia*, 1875, 459; *Republican*, June 15, 30, July 18, 30, December 15, 18, 30, 1875.

<sup>46</sup> *Daily Picayune*, May 20, June 5, 7, 8, 9, 12, 13, 16, 20, 22, 23, 24, 29, July 11, 14, 18, 1875; *Times*, May 24, June 9, 11, 12, December 30, 1875; *Republican*, May 26, 1875.

<sup>47</sup> *Times*, July 17, 24, 1875.

<sup>48</sup> *Ibid.*, August 8, October 27, 1875; *Republican*, August 8, October 28, 1875; *Daily Picayune*, August 7, 9, October 23, 27, 1875. Kellogg visited Chicago, Saratoga, New York, Washington, Louisville, White Mountains and other places. *Republican*, September 5, 25, 28, 1875; *Times*, October 27, 1875.

<sup>49</sup> *Republican*, October 28, 1875.



a corn crop which will supply the home demand and leave some for sale. The reawakening of trade and the abundant crops will, he thinks, result in making the people contented, and will encourage them to renewed efforts to develop the material interests of the State. He has no faith in the report that an effort will be made next January to set aside the Wheeler Compromise. There is a sufficient number of Conservatives who have united with the Republicans to maintain the compromise intact. Besides, the popular feeling is against any movement that would produce such scenes as have convulsed Louisiana during the past few years.<sup>50</sup>

There were several issues that demanded Kellogg's attention on his return to Louisiana late in October. He had to contend with a certain group of Republicans who were disgusted with the fact that the adjustment had resulted in the Conservatives gaining some points for themselves. They were displeased with the executive patronage.<sup>51</sup> Before Kellogg had left Louisiana there had been strife and general unrest in different parts of the state and on the day that he left on his trip he issued a statement to the sheriffs of several parishes emphasizing "the necessity of vigorously enforcing the law against all offenders" and commanding them not to resort to the use of vigilance committees.<sup>52</sup>

During Kellogg's absence open rebellion flared up in East Feliciana Parish with the shooting of the sheriff and the inauguration of a local "reign of terror." Immediately upon Kellogg's return General Campbell visited Kellogg and made a report of the situation. Then the governor endeavored to clear up the issues in dispute.<sup>53</sup> Similar strife prevailed in East Baton Rouge, West Feliciana and Natchitoches parishes during the closing months of 1875.<sup>54</sup> In December Kellogg's time was occupied in dealing with a school board controversy regarding Negroes.<sup>55</sup> Appointment of an auditor to succeed Clinton proved to be a dangerous issue. When Antoine and certain other Republicans confronted Kellogg about the matter, it was reported by one newspaper that he told them that "he was Governor of the State—so recognized by the Hoar Committee—and that in the selection of his cabinet he should consult the interests of the State first, and his own choice next."<sup>56</sup>

<sup>50</sup> *Ibid.*, September 28, 1875.

<sup>51</sup> *Daily Picayune*, August 6, 7, 8, 1875; October 30, 1875.

<sup>52</sup> *Republican*, August 8, 1875.

<sup>53</sup> *Ibid.*, October 12, 15, 16, 17, 19, 29, 1875; *Daily Picayune*, October 29, November 5, 6, 9, 1875; *Times*, October 28, 1875.

<sup>54</sup> *Republican*, December 12, 14, 18, 26, 28, 29, 1875.

<sup>55</sup> *Daily Picayune*, November 11, 25, 28, December 25, 1875; *Times*, November 29, 1875.

<sup>56</sup> *Times*, December 18, 1875.

No formal action was taken during 1875 by the political parties of the state, although the central committee of the Democrats and Conservatives met in October and called a convention to meet in New Orleans on January 5, 1876.<sup>57</sup> At this convention a platform, certain resolutions and a memorial to Congress were adopted. The platform stated that "the said usurpating government has never been acknowledged by the people of Louisiana." The Democratic-Conservative party resolutions follow this:

1. That the memorial of the people of Louisiana, . . . be again presented . . . in Congress.
2. That the primary test of membership of the Democratic-Conservative party . . . is an unrelenting opposition of the usurpation. . . .
3. That we advocate the abolition of useless offices, . . . a reduction of salaries, fees, and perquisites of office, and a vigorous retrenchment in the expenses. . . .
4. We advocate a substantial reduction of taxation, . . . searching investigation in the matter [of debt].
5. We advocate the reduction of . . . appropriations for public printing and metropolitan police purposes. . . .
6. . . . opposition to all monopolies. . . .
7. We recognize and reaffirm . . . that gold and silver be the legal currency, and favor a return to a specie basis. . . .

The entire platform and resolutions indicate the fact that the Wheeler adjustment was not a solution to the problem of the election of 1872. The memorial was merely a long statement of the grievances of the Democratic-Conservative party, a declaration that the problem in Louisiana was still unsettled and an appeal for a release "from the grasp of the lawless usurpation" and a breath of "the spirit of democratic government."<sup>58</sup>

When the legislative session opened January 3, 1876, Kellogg presented his address. It was lengthy and touched upon all subjects but emphasized state finances. In closing he spoke directly to those affected by the award of the past April when he said, "I rely implicitly upon the solemn pledge adopted by the General Assembly during the extra session in April last . . . and I confidently look forward to your co-operation during the coming session in all measures tending to still further lighten the burdens of the people, and to still further enforce economy, honesty and

<sup>57</sup> *Annual Cyclopaedia*, 1875, 459.

<sup>58</sup> *Republican*, January 6, 7, 1876; *Annual Cyclopaedia*, 1875, 460-461.

efficiency in all branches of the public service."<sup>59</sup> The session proceeded without accomplishing much, as the House was dominated by one group and the Senate by another. Actual repudiation of the compromise did not come until the eve of adjournment but the trend of events was easily discernible—a reluctance to organize and commence consideration of legislative matters at the opening of the session, disregard by the Conservative House of the Senate in the selection of J. B. Eustis as United States Senator to succeed McMillan, proposed changes in the election bill, and certain bills and amendments pertaining to finance. The story of this session is the story of a struggle between the Conservatives and Democrats who controlled the House, and the Republicans who controlled the Senate. Neither group would compromise issues; therefore, the result was a multitude of proposed bills.<sup>60</sup>

The most significant development during this session was the impeachment of the governor by the House of Representatives. The Democrats now openly repudiated the compromise. As a result of the investigations ordered by the House, the committees on Metropolitan Police, on the accounts of the auditor and the treasurer, and on the funding board reported against the state official representatives involved.<sup>61</sup> On Friday, February 25, Representative Kidd introduced a motion "that a committee of seven be appointed by the Speaker to investigate what charges, if any, there are against William P. Kellogg, demanding his impeachment, and that they report as early as practicable."<sup>62</sup> The Democrat members of the committee—John Young (chairman), Louis A. Wiltz, E. E. Kidd, W. B. Koontz and James Jeffries—presented the following majority report the next day in their haste to get rid of the governor without investigation:

Whereas, Testimony . . . discloses the fact that William Pitt Kellogg, while acting as Governor . . . in the month of October, 1874, and in the month of January, 1875, at and in the parish of Orleans, did aid and abet and was accessory before the fact, to a double crime against the State of Louisiana, the laws and constitution thereof, in procuring the withdrawal of money from the State treasury without any lawful warrant for so doing, and in causing it to be taken from a fund set apart by the constitution and laws to pay the interest on the consolidated bonds issued by the Funding Board,

<sup>59</sup> Kellogg's *Fourth Annual Message* (New Orleans, 1876).

<sup>60</sup> *Louisiana Senate Journal*, 1876; *Louisiana House Journal*, 1876.

<sup>61</sup> *Louisiana House Journal*, 1876, pp. 194-201, 266-271.

<sup>62</sup> *Ibid.*, p. 291.



which the faith of the State was solemnly pledged to maintain sacred and inviolate, and that this felonious tampering with the honor of the State and its bondholding creditors was accomplished by means of the power which his official position as Governor over the State Treasurer, who, . . . was very reluctant to violate the law . . . ; and

Whereas, Many of the Democratic and Conservative members of this House feel bound in good faith by . . . the Wheeler compromise, not to disturb the said William Pitt Kellogg for official misconduct occurring anterior to the fourteenth of April, 1875; and

Whereas, . . . has as acting Governor . . . since and subsequent to the fourteenth day of April, 1875, been guilty of many and divers high crimes and misdemeanors in office . . . ; therefore, be it

Resolved . . . be and is hereby impeached. . . .

Resolved . . . That a committee of five members of this House be appointed by the Speaker to go to the Senate of the State of Louisiana. . . .

Resolved, That a committee of five be appointed by the Speaker thereof, to prepare and present for the consideration of the House articles of impeachment. . . .<sup>63</sup>

The two Republican members—A. B. Levissee and Henry Demas—presented a protest as a minority report. After quoting the resolution for the formation of the committee, Kellogg's request that he be permitted to appear before this group and the decision of the time of the committee meeting, the two Republicans continued their protest as follows:

The majority of the committee refused to accede to this request [Kellogg's request]. As members of the committee, we demanded an opportunity to investigate the charge made. This has been denied us. The manner in which the resolution for the appointment of the committee was sprung yesterday in the House and forced through without the requisite suspension of the rules, and all the proceedings had thereunder, appear to us altogether unjustifiable, and as indicating a determination on the part of the majority, without regard to precedent, parliamentary law or constitution of the State, or common justice, to attempt to inaugurate revolution in order to subvert the government.

The resolution adopted on yesterday calls for an investigation as to the charges against William Pitt Kellogg, but

<sup>63</sup> *Ibid.*, pp. 307-308.

no investigation has been had; not one item of testimony of any kind whatever has been adduced. Nevertheless the committee have determined by a majority to make a report to the House charging the Governor with high crimes and misdemeanors in office, and asking for the appointment of a committee to report him to the Senate for trial. In the opinion of the undersigned such haste is unbecoming the dignity of this House, and operates injustice to the accused.

We therefore protest against the action of the committee, and demand of the House what the committee have denied us, the right to hear the witnesses and evidence on which so grave charges are based, before they shall take any action on the report presented by a majority of the committee.<sup>64</sup>

After the assembling of the House on the day of the presentation of the committee report, there was so much confusion between Democratic and Republican members that the whole subject was postponed till the following Monday, the last day but two of the session.<sup>65</sup>

In the meantime, Kellogg issued a proclamation convening the Senate in extra session for ten days beginning March 2, the last day of the present session.<sup>66</sup> Kellogg was convinced that the Democrats did not want to bring him to trial but to keep him suspended from office for the rest of his term.<sup>67</sup>

On Monday, February 28, the House considered the majority report and after nearly six hours of discussion adopted it by a vote of 61 to 45.<sup>68</sup> The committee from the house presented itself to the Senate and the Senate proclaimed itself a court of impeachment, adopting an order to the effect that the House present its charges and a list of its witnesses by 7 P.M. The House adjourned until March 1 before the order reached them. When the Senate as a court reassembled, Senator Twitchell presented a resolution that was adopted by the group despite the intervention of the committee of the House purporting to be a board of managers. Twitchell's measure stated the situation as follows:

Whereas, The House of Representatives has notified the Senate . . . ; and

Whereas, Said House has acted in said impeachment contrary to law in this, that it has refused to permit said

<sup>64</sup> *Ibid.*, p. 308.

<sup>65</sup> *Ibid.*, pp. 309-312.

<sup>66</sup> *Louisiana Senate Journal*, 1876, p. 283.

<sup>67</sup> *Bourbon Faith: Statement of The Proceedings Had In The Louisiana Legislature, 1876, in Relation To The Impeachment of Governor W. P. Kellogg* (New Orleans, 1876), 9-10.

<sup>68</sup> *Louisiana House Journal*, 1876, pp. 309-310.

William P. Kellogg, Governor of the State of Louisiana, to appear before the committee . . . and has refused to furnish him with a list of the witnesses . . . ; and

Whereas, It is a notorious fact that said impeachment is prompted by partisan and revolutionary purpose; and

Whereas, It was agreed by said House, by act No. 1 of the extra session of 1875 . . . should not be impeached for any acts committed prior to the adoption of said act, and the House . . . would henceforth accord to him full support . . . ; and

Whereas, This resolution of impeachment is in violation of said agreement; and

Whereas, The acts of . . . Kellogg . . . are fully known to . . . Senate . . . not to be criminal or unlawful . . . ; and

Whereas, The Senate has adopted a notice for the House to appear and make good its charges; and

Whereas, Said House has hurriedly adjourned until next Wednesday, at 10 A.M., knowing that but little more than one day of the session will then remain; and

Whereas, This adjournment is believed to have been taken for the purpose of defeating a full investigation of said charges; and

Whereas, We believe . . . Kellogg . . . to be innocent . . . ; and

Whereas, The resolution adopted by the House . . . recites no specific grounds . . . ; and

Whereas, The House . . . has failed to appear and present any specific charges or accusations. . . .

It is ordered by the Senate, sitting as a Court of Impeachment, That the impeachment presented by the House of Representatives be dismissed by reason of the failure of said House to prosecute the same, and that this order have the same force and effect as a judgment of acquittal.

With the adoption of this order, the Chief Justice pronounced Kellogg acquitted and the Senate, sitting as a High Court of Impeachment, adjourned *sine die*.<sup>69</sup>

On March 1 the committee appointed after adjournment to prepare articles of impeachment was discussed and ordered to report. They presented fourteen articles against Kellogg:

I—Appointment in July, 1875, of D. F. Settoon of Tangipahoa parish as supervisor of registration in Washington parish.

<sup>69</sup> Louisiana Senate Journal, 1876, pp. 289-295.



II—Removal in February, 1876, of J. B. Cason as tax collector of the parish of Tangipahoa and appointment of Charles H. Jackson who made false and fraudulent census return.

III—Neglect and refusal to appoint a new auditor in April, 1875, after Clinton's indictment and impeachment.

IV—Books of auditor and treasurer not examined by accountant after May, 1875, every three months.

V—Refusal to renew commission of accountant appointed May, 1875, to investigate treasurer's books.

VI—Unreasonable amount paid to L. H. Gardner, expert or examiner of auditor's office and this money diverted from original purpose.

VII—During February, 1876, armed Metropolitan Police sent into State House by Kellogg.

VIII—Appointment of G. H. Braughn as Judge of the Superior Criminal Court of Orleans during recess of Senate without Senate's approval.

IX—V. A. Ryan appointed by Kellogg as police commissioner of New Orleans when E. V. Leclere removed, June, 1875, without warrant or authority in law.

X—H. R. Steele of Tensas appointed in Judge G. H. Braughn's place in violation of the laws.

XI—Kellogg was present at Collector Casey's office in December, 1874, even though he testified that he was not, before a legislative committee—perjury and false statement under oath.

XII—Interference by Kellogg with the judiciary and Judge Braughn around May, 1875.

XIII—Kellogg's appointment of H. R. Steele, assistant attorney general, as Judge of Criminal Court because Steele refused to prosecute Clinton and believed him innocent.

XIV—Kellogg called Senate in February, 1876, and not House, in extra session on March 2, 1876.<sup>70</sup>

On March 2, 1876, Kellogg sent a message to the Senate refuting these charges and including evidence to support his statements. His reason for sending this message to the Senate was that he desired that a refutation of the printed articles of the House should be in the *Senate Journal*. After commenting on the House's action, Kellogg answered all charges of the Democrats and Conservatives as follows:

1. I appointed Settoon as State supervisor of registration of one of the distant parishes on the recommendation

<sup>70</sup> Louisiana House Journal, 1876, pp. 316-318.

of the State Senator of that district. It is utterly impossible for the Governor to be personally acquainted with the exact domicile of every officer he is called upon to appoint. I did not know that Settoon was a resident of Tangipahoa when I appointed him supervisor of Washington parish, and do not know it now. It requires but ten days for a citizen of the State to acquire a residence in a parish under the constitution.

2. Taking exception to the phraseology of this charge, I admit the substantial fact stated that I did remove one tax collector and appoint another, and the courts of this State, from the lowest to the highest, have repeatedly decided that the Governor has the legal right to do so without alleging causes.

3. I did not remove Charles Clinton, Auditor, after he had been impeached by the House and indicted by the grand jury. My reason for not doing so was that the Supreme Court had decided that a constitutional officer can not be deprived of his office except for the causes and in the manner pointed out in the Constitution and laws passed in conformity to the constitution. I cite article seventy of the constitution, and *State vs. Towne* (21 An., 490). I did all I was empowered to do in the premises. I instructed the law officers of the State to prosecute Mr. Clinton civilly and criminally.

4. I did not appoint experts every three months, whether there was any necessity to do so or not, to examine into the books of the Auditor and Treasurer. The statutes authorizing the Governor to do so contain the words, "if in his opinion the public interests require it." Whenever the public interest seemed to require it, I have appointed experts under section eighty-nine, act No. 42, 1871.

5. I do not deny the assertion that I did not renew the commission of the experts, but as the letters of instruction issued to them authorized them to examine the books both of the Auditor and Treasurer there was no necessity for the renewal of their commissions.

6. I paid to Mr. Gardner and other experts appointed \$2000 out of my contingent fund as required by law. I did not pay the sum of \$1300 to said experts out of a fund appropriated by law for another purpose, as the record of the State Auditor's office will show. I transmit a letter of the Auditor fully substantiating the statement.

7. I admit that in the belief that a revolutionary attempt to subvert the government was designed by members of the House of Representatives, acting in collusion with bodies

outside the General Assembly, numbers of policemen have been quietly and unobtrusively stationed by the police authorities, within the past few days, in various parts of the State House, not for the purpose of fomenting strife, as charged, but to preserve the peace in case of necessity. The action of the police authorities has my entire approval.

8. I did permit George H. Braughn to remain in office as judge of the Superior Criminal Court after the adjournment of the Senate, though his appointment had not been confirmed by them. Article 122 of the constitution declares that all officers shall continue to discharge the duties of their offices until their successors shall have been inducted into office.

9. I did remove one police commissioner and appoint another. Sec. 2238, Revised Statutes, expressly empowers the Governor to do so.

10. I did appoint H. R. Steele judge of the Superior Criminal Court in place of G. H. Braughn, whose commission had expired, and had the constitutional legal power to do so. Judge Steele did formerly reside in Tensas parish, but when I appointed him he had been living in New Orleans for more than six months.

11. I did testify before a legislative committee that I was not present in the office of Collector Casey on a certain occasion when certain persons, namely S. B. Packard, Alfred Shaw, Henry C. Dibble and others were stated to have been present. My statement was true; I was not there, as the gentlemen above named will assert.

12. It is untrue that I attempted unlawfully to interfere with Judge Braughn in the exercise of his official duties. I herewith transmit correspondence containing Judge Braughn's explicit denial of the charge.

13. It is true as already stated that I did appoint Judge Steele in place of Judge Braughn who was holding over until his successor was appointed. Judge Steele has not been called upon to act in any matter affecting Charles Clinton, Auditor. When I appointed Judge Steele he explicitly stated that he would not sit on the Clinton trial.

14. It is true I have called the Senate in extra session, without convening the House. I claim the constitutional right to do so. The power conferred upon me to convene the greater, in the opinion of the able legal authorities whom I have consulted, carries with it the right to convene the lesser. I have the precedent of the convocation of the Senate alone when Mr. Pinchback was elected Lieutenant Governor.



In these fourteen frivolous accusations are concentrated all the charges of wrong doing which a majority of the House of Representatives, actuated by the strongest feelings of partisan enmity, have been able to concoct against me after fifty-nine day's session, innumerable investigations and the most searching scrutiny of the records of the State. Even by going behind the barrier of the Wheeler adjustment only one other accusation has been made against me, namely: That in a time of revolution and of great public exigency I sanctioned a temporary diversion of State funds which could not and did not result in the loss of a dollar to the State, and took this course solely in the public interest, and to protect the property of the city. If the Senate had not already acquitted me of high crimes and misdemeanors, the accusations passed at this late hour would have formed in themselves a complete assertion of my official rectitude. Added to this, I refer to the notorious and often repeated propositions made by the Democratic members of the Legislature and others, authorized to speak for them, that if I would secure the passage by the Senate of the House election bill, and certain other laws to further the partisan ends of my accusers, no effort would be made to impeach me.

I submit that these facts of themselves fully justify me in asserting that my accusers did not and do not believe me to have been guilty of high crimes and misdemeanors against the State.<sup>71</sup>

Republican senators composed a letter explaining their position to the people and published it in the papers on March 2, 1876.<sup>72</sup> The House under the leadership of Louis A. Wiltz made a report of its actions and formulated the following resolutions:

Resolved by the House of Representatives, That the Senate, by its partisan and arbitrary conduct, has deprived the people of the State of an opportunity of bringing to trial the chief magistrate of the State, charged with high crimes and misdemeanors, and with criminal neglect and violation of his official duty.

Resolved, That the members of the Senate, having formed and expressed their opinion that the said accused is entirely innocent, are disqualified from now sitting in judgment on the trial of the impeachment, and that this House can proceed no further in the premises, and are powerless to resent this flagrant outrage upon right, justice and decency, and can only refer the matter to the people of the State for their consideration.<sup>73</sup>

<sup>71</sup> *Louisiana Senate Journal*, 1876, pp. 275-277.

<sup>72</sup> *Bourbon Faith*, 27-29.

<sup>73</sup> *Louisiana House Journal*, 1876, pp. 324-326.

The lawlessness and violence that had prevailed in certain parishes during the latter part of 1875 continued during 1876. Committees from these sections visited the governor, but he was unable to quell all local resistance. Kellogg's departure from the State in April was a signal for renewed outbreaks. This strife for the most part consisted of attempts on the part of the whites in the region to disobey the Kellogg officials and drive them from office, especially the tax collectors. The white people resented the type of appointments to the local offices made by the governor.<sup>74</sup> The election of 1876 was to be held late in the year, and the white people were preparing again for a struggle to regain control through the ballot box.

Kellogg left for the East on April 21 and returned the later part of May. He visited Washington, Philadelphia and New York. He claimed this trip was made in connection with certain financial matters; however, the opposition asserted that he went to Washington to see what would be the action of the Federal government in the forthcoming election.<sup>75</sup> As was true in the case of Kellogg's other absences from the state, the opposition made much of Antoine's assumption of the office of governor. Kellogg's relationship with his lieutenant governor was mysteriously vague; apparently Kellogg did not trust Antoine too far. At any rate he always managed to have affairs in a fairly satisfactory condition when he left the state.<sup>76</sup>

On Kellogg's return, machinery was set in motion for the contest of 1876 which was to herald the end of Republican rule in Louisiana. Kellogg's efforts here to continue control of the state by his party form another part in his story.

## CHAPTER V

### ADMINISTRATION ISSUES

#### *Finances*

The financial history of Louisiana during Kellogg's administration had its origin in the first days of reconstruction. Louisiana in 1873 was financially embarrassed. The governor worked to improve the state's finances, although his accomplishments were few. There is some reason to doubt his sincerity.

<sup>74</sup> *Times*, January 22, 28, March 29, 1876; *Daily Picayune*, February 2, 1876; *Republican*, January 20, 25, March 10, 29, 31, April 4, May 3, 5, 6, 11, 16, 25, 30, June 20, 1876.

<sup>75</sup> *Republican*, April 20, 25, 29, May 23, 1876; *Daily Picayune*, April 25, 27, 30, May 3, 12, 13, 17, 1876.

<sup>76</sup> *Daily Picayune*, May 13, 1873.

In every public or private communication dealing with state matters Kellogg voiced an appeal similar to the following:

Rigid economy in expenditures, the abolition of useless offices, a strict accountability enforced against all public agents; in short, the adoption in the administration of public affairs of the same appliances necessary to restore the fallen fortunes of an individual—honesty, industry and economy.<sup>1</sup>

However, the Radical Republicans did not expect to lose any of the fruits of their "victory." Plunder of the state continued.

For the existence of any government a steady source of revenue must be obtainable. Taxes usually form the basis of the revenue of the state. One of the first problems of the Kellogg government was to secure the payment of taxes by the citizenry of Louisiana. The McEnery faction, however, had decided that one of the best ways to oppose the Kellogg usurpation was to resist taxation. In his inaugural address Kellogg urged that the delinquent taxes, "\$3,028,917.21 due on the assessments of 1870 and 1871," should be paid and legislation passed to secure their collection. He also recommended that "one system of assessment should serve for both city and State," that the tax collectors should account for their collections and that their compensation should be reduced.<sup>2</sup> Two acts pertaining to taxation were passed in the legislature of 1873. One provided that if the delinquent taxpayers paid their back taxes within ninety days they would not suffer any legal penalties. The other provided that the property of delinquent taxpayers could be seized and sold. Both of these acts were promulgated on March 15, 1873.<sup>3</sup> On March 13 Kellogg issued a public proclamation in which he recognized the existence of tax-resisting groups, asked that they obey the laws, and threatened them with the penalties provided for delinquent taxpayers.<sup>4</sup> In the same month the opposition formed an organization which had as its purpose the resistance of: "every attempt to collect licenses and taxes" and the refusal of "all sanction and acquiescence in right authority of the Kellogg government." This group called themselves "The People's League." They held a large mass meeting in April at Odd Fellows' Hall. At this time "The People's League" became a reality and all Louisianians were asked to champion its purposes

<sup>1</sup> Kellogg's *Inaugural Address* (1873), 4.

<sup>2</sup> *Ibid.*, 7-8.

<sup>3</sup> *Louisiana Acts*, 1873, Nos. 46-47, pp. 98-102.

<sup>4</sup> *Republican*, March 14, 1873.



and follow its proposals for tax resistance. This advice was followed; indeed, it had been followed since the inauguration of the Kellogg government.<sup>5</sup> Newspaper accounts of various episodes relating to tax resistance show that it was practiced in many parts of the state.<sup>6</sup> Kellogg claimed in June that "taxes are being paid more rapidly than ever before in Louisiana." This was denied by other sources.<sup>7</sup> The following letter of John McEnery to a leader of the Democrats in one of the parishes illustrated the plan of resistance used by the opposition:

Dear Sir—I respectfully suggest that, with as little delay as possible, there be called in your parish a mass meeting of citizens to perfect a complete and thorough organization, with a view to resistance of collection of taxes by the Kellogg government.

I will remain at my post at the Capitol and exercise, so far as practicable, the powers and functions of my office, and I appeal to the people of the State to rally to my support, and give me effective aid in my efforts to uphold their rights and liberties.<sup>8</sup>

By executive order on June 14, Kellogg extended the deadline for the collection of delinquent taxes ten days.<sup>9</sup>

Resistance to taxation was attempted for several reasons. It was one method of expressing opposition to a government looked upon as a usurper. In addition, the assessments were unequal and the rate of taxation was extremely high. Citizens objected to the manner in which the tax collectors performed their work and their dishonest handling of the money. In many instances the tax collectors were Kellogg henchmen who had no right to their position. Kellogg himself was aware of the unequal assessment, high rate of taxation, and fraudulent conduct of many tax collectors, and he pleaded for reform.<sup>10</sup> But because his control of the party was weak, many of his recommendations never passed the initial state.

The legislative sessions of 1874, 1875, and 1876 adopted proposals concerning taxation but for the most part did not make changes. In the extra session of 1875 the legislators passed a bill which would have reformed taxation. Kellogg vetoed this

<sup>5</sup> *Daily Picayune*, March 11, April 15, 1873.

<sup>6</sup> *Republican*, March 1, 4, 9, 21, April 19, 23, 24, 25, 26, May 2, 4, 7, 8, 9, 16, 17, 22, June 6, 1873; *Daily Picayune*, March 2, 15, 16, 22, April 19, 1873.

<sup>7</sup> *Republican*, June 13, 17, 1873.

<sup>8</sup> *Daily Picayune*, March 22, 1873.

<sup>9</sup> *Republican*, June 15, 1873.

<sup>10</sup> Kellogg's *Inaugural Address* (1873), 7-8; *Daily Picayune*, October 2, 1873; *Republican*, June 22, November 4, 1873.

measure because he reasoned that it violated the principle of government adopted in 1874—"that the revenues of each year are pledged for the payment of the current expenses of that year"—and it gave an unfair advantage to the delinquent taxpayer. In vetoing the measure, the governor claimed that these annual bills extending relief to delinquent taxpayers had defeated their purpose and that they "caused the present large delinquent list, property owners feeling, as is most natural and proper, that they should not pay their dues in cash on demand while their neighbors are permitted by becoming delinquents to pay at a reduction of fifty to seventy per cent."<sup>11</sup> The legislators at this session made provision for those people affected by the flood of 1874. An act passed by them provided for an extension of time for the payment of delinquent taxes by the flood victims.<sup>12</sup>

Kellogg declared in his message in January, 1874, that the "resistance to the payment of taxes and the execution of the laws has been happily abandoned." This statement is not wholly valid, as the records of his administration show that some people continued to resist taxation during his entire term. It is probably true that during 1873 "the resistance to the enforcement of all laws and the payment of all taxes was especially embarrassing to the financial officers of the State."<sup>13</sup> Many people finally gave in and paid their taxes. Kellogg's report to the legislature in January, 1875, showed that there had been some leniency in the collection of taxes, and he assigned the reason as the political disturbances and the flood.<sup>14</sup> In his message to the special session on April 14, 1875, he reiterated his previous views "that the system of assessing and collecting taxes now in operation is cumbersome, expensive and unjust, and should be radically changed." Specifically he advocated the reduction of tax collectors' fees, the fixing of a salary for the assessors instead of the fees collected, the consideration of a repeal of all exemptions, "the more efficient collection of delinquent and current taxes from those able to pay," and "the relief from taxation of those affected by the flood." According to him, on January 1, 1874, the delinquent taxes amounted to \$4,264,000. At the time of the message of 1875 there were still \$4,100,000 of delinquent taxes due the state. It was Kellogg's opinion that "the rich evade taxes and the poor

<sup>11</sup> *Louisiana House Journal*, 1876, pp. 25-26.

<sup>12</sup> *Louisiana Acts*, 1875, No. 7, p. 106.

<sup>13</sup> *Louisiana House Journal*, 1874, p. 5.

<sup>14</sup> Kellogg's *Annual Message* (1875), 3.

pay them" and that the greatest injustice done to law-abiding taxpaying citizens comes from the tax evaders and resisters.<sup>15</sup> After praising himself for some of his financial schemes, Kellogg advised the legislature of 1876 that it still had the problem of unfair assessments and exemption from taxation.<sup>16</sup> Undoubtedly resistance to taxation was more organized in the early days of Kellogg's administration. Later the tax system became an integral part of the new financial program and won some acceptance.

In his opening address, Kellogg reported the funded debt of the state to be \$21,801,800, the unfunded debt \$2,291,607.90 and the interest on the funded debt \$1,572,153.14 per year. He claimed that "the revenue to be derived from the present rate of taxation, licenses, and other sources for the current year will be sufficient to pay all the necessary expenses of the State government, to pay the interest overdue, and that which will become due on the funded debt during the present year, to pay the legislative expenses, and to provide for the redemption of past due bonds."<sup>17</sup> By executive order the governor declared in June that henceforth there must be published quarterly in the newspapers the total bonded debt of the state, the total outstanding warrants of the state, and the total tax collections, with the amounts paid on the several funds. In order to clear up the uncertainty of the public as to the financial obligations of the state, Kellogg appointed a committee of nine prominent businessmen "to examine, ascertain, classify and report regarding the amount, nature, constitutionality and binding effect of all and every of the outstanding obligations of the State."<sup>18</sup> The committee met and by December issued its report declaring an indebtedness of \$23,000,000, bearing an annual interest of about \$1,500,000. Some of this, they claimed, should be declared illegal. Due to the state's inability to pay the debt or meet the interest, the committee recommended "partial repudiation reducing the debt to \$12,000,000 as a measure which would give relief to the State, satisfy its creditors, and assure a return to prosperity, by removing overgrown taxation."<sup>19</sup>

A bitter controversy was precipitated in July of 1873 when Clinton, the auditor of the state, began selling at auction the cash in the treasury belonging to the general fund, taking tax

<sup>15</sup> *Ibid.*, 4-5.

<sup>16</sup> Kellogg's *Fourth Annual Message* (1876), 33-35.

<sup>17</sup> Kellogg's *Inaugural Address* (1873), 7.

<sup>18</sup> *Republican*, June 4, 1873.

<sup>19</sup> *Annual Cyclopaedia*, 1873, 451.



warrants in payment. Treasurer Dubuclet opposed this scheme but was unsuccessful in his attempts to stop Clinton. The *Republican* praised the device and added the hope that the auditor would in the future "pursue the same course with the funds received for back taxes that he so successfully inaugurated with current funds—sell the cash at auction to the lowest bidder receiving pay in warrants of the same class." This newspaper asserted that the governor approved the plan, and urged Clinton to continue it. Dubuclet however continued to refuse "to cash general fund warrants when there is no money to their credit, or to make out his check in payment before he receives the cash and has it entered upon his books."<sup>20</sup>

In September, 1873, after being in office only nine months, Kellogg wrote a long answer to the *New York World's* editorial on his financial policy. He tried to justify his actions regarding state finances. He cited figures to show the financial condition in Louisiana as of September 1. His statements were in support of his view that the taxes were being collected. According to him the amount yet to be provided for in October, November and December of 1873 was \$284,970. The governor believed that "notwithstanding the present financial embarrassments we confidently expect to pay our interest for the present month [September] and continue to do so as it accrues." The August interest, he claimed, was paid on July 1. Kellogg deplored the onerous taxes but said the responsibility did not belong to his administration. He was working toward a reduction of taxes.<sup>21</sup>

From any viewpoint the financial situation was indeed depressing as it came time for Kellogg to make his annual report to the legislature in January, 1874. "Yet compared with that of one year ago," he said, "it affords just grounds for congratulations." He described the situation in 1873 thus:

The treasury was empty. The total amount of taxes collected during the previous year was less than the amount returned delinquent. Against the various exhausted funds a mass of unpaid warrants had accumulated, aggregating nearly \$2,250,000. This disgraceful result of the maladministration of the resources of the State during several years past, was left as an inheritance to be added to the other embarrassments of the present administration. The interest

<sup>20</sup> *Republican*, July 13, 16, 18, 22, 23, 25, 31, August 3, 15, 1873. This scheme was promoted by Clinton as a means of obtaining the old warrants in the state.

<sup>21</sup> *Ibid.*, October 4, 1873.

on the heavy bonded debt of the State had fallen in arrear to the extent of nearly \$300,000! All receipts from the immense delinquent lists . . . were tied up . . . and devoted exclusively to the payment of old outstanding warrants. . . . A system of espionage, which it seemed impossible for the treasury to shake off, had been established by the dealers in those warrants, whereby they were informed the instant a dollar was turned into the treasury . . . and received the same in payment thereof.<sup>22</sup>

Describing the present condition, Kellogg said that the collected revenue for 1873 exceeded \$4,000,000 with less loss and expense than previously to the state in collecting it, and that "the large amount of overdue interest was paid early in the year, and since then the current interest has been paid promptly at maturity, with the exception of interest on some \$6,000,000 of bonds held in abeyance subject to the action of the courts." Kellogg approved Auditor Clinton's policy regarding the buying of warrants which together with care in the issuance of warrants made a total of \$193,000 outstanding warrants of 1873 instead of over \$500,000. The chief executive spoke proudly of the improvement in the collection of taxes. He made three definite proposals about financial matters to the legislature: confine appropriations within the revenue; revenue of each year must take care of the appropriations of that year; a warrant cannot be issued unless backed up by funds in the treasury.<sup>23</sup>

The most important financial development of the Kellogg administration was his proposal at this legislative session of the funding bill—"the conversion of the whole bonded and floating debt of the State in consolidated bonds, having forty years to run, and bearing a uniform rate of interest, the exchange to be made at the rate of sixty cents in consolidated bonds for each dollar of bonds, warrants and certificates of indebtedness now outstanding." A constitutional amendment in support of the funding bill

should provide that as soon as the debt is reduced below \$25,000,000 it shall remain limited at the lowest point attained until reduced to \$15,000,000 beyond which point it shall never be increased—the consolidated bonds to be recognized in the constitution and the rate of taxation for all purposes limited to fourteen and a half mills.

<sup>22</sup> *Louisiana House Journal*, 1874, pp. 4-5.

<sup>23</sup> *Ibid.*, p. 5.

Another amendment should provide "for the payment of the interest on the consolidated bonds as it accrues without further appropriations from the Legislature." After proposing this method of solving the problem, Kellogg tried to point out beneficial results—a reduction of the debt and a reduction of taxation to fourteen and one-half mills. The new debt, the executive declared, will be of undoubted legality and within the will and ability of the people to pay. "If we continue our efforts to pay the whole interest we shall fail, and our bonds will go even lower in value, but if we can bring our debt within our ability to pay we can greatly appreciate it, and thus not only benefit ourselves, but our creditors. . . ." In discussing the rate and method of funding, Kellogg said "that we can pay interest and principal at the rate of sixty cents on the dollar, and live and prosper under the rate of taxation necessary to pay that amount; and since we can do it, I think there is no question that we should do it." He advocated uniformity in the consolidated bonds in all respects. According to the governor, the new debt, assuming that all of it was valid and could be funded at sixty cents on the dollar, would be less than \$15,000,000. Kellogg said he did not care what name was given to the funding scheme but "to my mind it is only a question of a settlement in full now on these, the best terms we can offer, or continued intolerable distress and perhaps ultimate enforced repudiation," and he was not willing to continue "a rate of taxation not far removed from confiscation."<sup>24</sup> These constitutional amendments—indorsing the funding bill and consolidated bonds, reducing the state debt to \$15,000,000, limiting taxation to twelve and one-half mills, and devoting annual revenues to the expenses of the same year—were adopted by the legislators.<sup>25</sup>

With the passage of the funding scheme there was opposition from those whom it would affect the most, the bondholders. To a group of New York bondholders Kellogg addressed a reply in which he tried to point out the fallacies in their arguments and the wrong use of statistics. Confiscation of property for delinquent taxes made it probable that the collection of taxes for 1874 would not equal that for 1873. Confronting this group with the existing situation, Kellogg assured them "that the people of Louisiana are willing to pay every dollar of their just debts

<sup>24</sup> *Ibid.*, pp. 5-8.

<sup>25</sup> *Louisiana Acts*, 1874, No. 4, pp. 42-43; *Louisiana Senate Journal*, 1874, p. 37; *Louisiana House Journal*, 1874, p. 58.



that they are able to pay." He warned them that the state had no desire to impede the collection of just claims, but "the opposition to the funding of doubtful bonds will not be relaxed until their validity shall be first established in the courts of last resort." He doubted the legality of the bonds held by this group.<sup>26</sup>

The *Picayune* referred to the funding bill as "a scheme founded in hypocrisy, fraud and defiance of right and law," and "doomed to a lamentable and disgraceful failure, only bringing dishonor on the State, without any relief to the people." The New Orleans *Times*, conservative Democratic organ, however, called it "a step in the right direction." The New Orleans *Republican* supported the scheme vigorously and was of the opinion that "a more satisfactory day's legislation had not been had in Louisiana for many a year."<sup>27</sup> Both parties in the state adopted resolutions regarding the finances of the state. The Republicans pledged themselves to support of a reduction of the expenses of the government, the constitutional amendments, and the funding bill. In announcing unqualified approval of the funding scheme, the Republican party said the measure was absolutely necessary because of the misfortunes of war, floods, internal disturbances, and previous maladministration, and that it represented "the utmost limits of our ability to pay, and more than the value received by the State for the indebtedness now outstanding."<sup>28</sup> The Democrats declared that they favored the payment of the legitimate debt of Louisiana but believed that there should be a searching investigation of the dishonest and fraudulent obligations first. They advised the people to vote against the constitutional amendments.<sup>29</sup> After the revolution of September 14, 1874, Kellogg published an address to the people of the United States. In addition to a defense of the legality of his government he listed his financial achievements. He compared his accomplishments with those of the Warmoth régime, and described the financial burden resting on the state when the latter left office and Kellogg became governor. Reviewing the results of his administration in this field, Kellogg listed the following:

1. We have in two years paid off over \$900,000 of old floating indebtedness with the old assets of the State.

<sup>26</sup> William Pitt Kellogg, *The Louisiana Funding Bill: A Reply to the Protest of Certain New York Bondholders* (New Orleans, 1874).

<sup>27</sup> *Daily Picayune*, January 23, 1874; *Times*, January 12, 1874; *Republican*, January 22, 1874.

<sup>28</sup> *Annual Cyclopaedia*, 1874, 476.

<sup>29</sup> *Ibid.*, 477.

2. We have reduced the debt by the funding bill, from \$25,000,000 to \$15,000,000 not to be increased until after the year 1924.

3. We have reduced the State taxes from 21½ mills to 14½ mills, not to be increased until after the same year.

4. We have provided that parish taxation shall not exceed State taxation, so that the greatest amount of taxation any one parish can be called upon to pay in any one year is 29 mills.

5. We have enabled the city of New Orleans to reduce taxation 5 mills.

6. We have largely reduced State expenditures and confined them strictly within the limits of our revenues.

7. We have reduced over \$8,000,000 of contingent liabilities.<sup>30</sup>

The constitutional amendments relating to the funding of the state debt were voted upon at the election of 1874. The results of the election were disputed and the Republicans claimed the existence of returns proving the acceptance of these proposals by the people.<sup>31</sup>

The governor in his message of 1875 told the legislators that he was pleased with the passage of the amendments. In commenting on the funding board, he recommended that the composition of the board be changed to include "the annually elected presidents of the Chamber of Commerce, the Cotton Exchange, and Merchants' Exchange of New Orleans, ex officio, together with two citizens of known standing to be selected by them," instead of state officers. This was a direct appeal to the white business leaders. In addition to this he urged that further legislation be passed to enable all concerned "to resist the funding of any illegal evidences of debt by adducing evidence to establish their invalid character." He claimed the total reduction of the bonded and floating debt during the first two years of his administration to be \$1,303,569.<sup>32</sup> To the extra session of the legislature convened April 14, 1875, he again urged the adoption of the two amendments that he had proposed to the legislature the preceding January. The public debt had been lessened to the amount of \$3,005,976.24, he claimed.<sup>33</sup> A striking example of the

<sup>30</sup> *Republican*, October 1, 1874.

<sup>31</sup> *Annual Cyclopaedia*, 1874, 492.

<sup>32</sup> Kellogg's *Fourth Annual Message* (1876), 47.

<sup>33</sup> *Ibid.*, 6-9.

legislative procedure of the time was the episode of the appropriation bill. The wrong bill was presented to Kellogg for his signature and was promulgated by the secretary of state. Kellogg, on learning of this, sent a message to A. P. Field, the attorney general, to the effect that he would "if you concur, sign the bill now presented [the second bill] and transmit it to the Secretary of State for promulgation, leaving to the courts to determine the question of the legality of these bills, or any portions of them." The opposition made much of this incident, calling it a "significant commentary on the style of proceedings" and a "warning and a lesson."<sup>34</sup> Out of the special session came the extension of the funding bill asked for by Kellogg. This supplemental funding bill provided for "the testing at the instance of any taxpayer, in the courts of the State, the legality and validity of any items of State indebtedness, . . . to prohibit the Board of Liquidation . . . from funding the questionable and doubtful obligations of the State, . . . to provide additional members of the said Board. . . ."<sup>35</sup> The concluding section of the bill, "that all laws or parts of laws contrary to or inconsistent with the provisions of this act are hereby repealed, and that this act takes effect from and after its passage," was objected to by the New Orleans *Times* as "an arrant piece of demagoguery."<sup>36</sup>

The editor of the Chicago *Times* in 1875 condemned Kellogg's financial policy, and in answering him the executive stated that the funding bill was in successful operation, accepted by creditors at home and abroad. He asserted that obligations to the extent of \$6,000,000 had already been funded.<sup>37</sup>

The financial condition of the state did not prosper in 1875 with the airing of the misconduct of Auditor Clinton. The legislature of 1875 ordered an investigation of the accounts of the auditor and treasurer. A movement to impeach Clinton was defeated after the report condemned him; however, suit was brought against him in the Superior District Court in June. He was indicted and tried by the Superior Criminal Court. The jury failed to reach any agreement. Clinton tendered his resignation to Kellogg in July to be effective in December. The governor accepted it and stated to Clinton that he never doubted his honesty, but suggested that he needed more experience and tact. The

<sup>34</sup> *Republican*, February 21, 28, April 1, 3, 1875; *Daily Picayune*, March 31, 1875.

<sup>35</sup> *Louisiana Acts*, April, 1875, No. 11, pp. 110-112.

<sup>36</sup> *Times*, May 20, 1875.

<sup>37</sup> *Republican*, June 11, 1875.



committee of experts appointed by the governor came to the conclusion "that while there was much looseness and carelessness in the Auditor's accounts, and wide discretion had been exercised by him in the performance of his duties, there was no evidence of intentional fraud or criminality."<sup>38</sup> This entire episode upset even the *Republican*, official organ of the party. The newspaper called the attention of Republicans to the fact that these general charges must be "established or dismissed, that we may have a clean slate for 1876."<sup>39</sup>

Kellogg's message to the legislature in 1876 consisted of a proud summary of his financial policies: reduction of the state debt to an amount within the power of the state to meet, statutory limitations of the debt, burying "beyond resurrection" of the "appalling load of contingent debt," principal and interest of new debt guaranteed, and interest appropriation on the new debt made perpetual until debt abolished, rate of taxation limited, restriction of legislature in its expenditure to revenues of each year, elimination of possibility of a floating debt, restriction of appropriations within the limits of the revenue, and the debt of the state set at a fixed amount. After pointing out these accomplishments, Kellogg described the present condition of the state debt:

January, 1873—total bonded and floatnig debt.	\$ 24,093,407.90
total contingent liabilities.....	\$21,090,500.00
total debt actual and contingent.....	\$ 45,183,907.90
January 1, 1874—total bonded and floating debt .....	24,221,553.30
January 1, 1875—total bonded and floating debt .....	23,354,660.82
January 1, 1876—total bonded and floating debt .....	19,061,645.25
Contingent debt passed out of existence with the adoption of the funding bill.	

"It will thus be seen that the present bonded and floating debt of the State is now (January 1, 1876) \$19,061,645.25, and that the debt of the State has been decreased during my administration \$5,159,908.05," he concluded.

Kellogg presented this report on taxation receipts and expenditures:

Taxation has been diminished from twenty-one and a half to fourteen and a half mills. The receipts of the present

<sup>38</sup> *Annual Cyclopaedia*, 1875, 459.

<sup>39</sup> *Republican*, July 23, 24, 25, 1875.

year up to December 20, have exceeded by \$235,480 the entire receipts for the year 1872, and the expenditures for the current year up to December 20, show a reduction of \$1,193,209 upon the expenditures of 1873, and \$1,415,783.92 upon the expenditures of 1872.

Three years of my administration . . . showing a saving in expenditures of \$9,269,553.94 as compared with the last three years of the previous administration.

Kellogg also called attention to the supplemental funding bill which "will give to the new bonds of the State a degree of security possessed by the bonds of no other State," and he emphasized the security of the consolidated bonds.<sup>40</sup>

In keeping with Kellogg's policy, he recommended that the legislature create a board of equalization, pass legislation restricting monopolies, and reduce the fees and emoluments of tax collectors, the salaries of members of the Supreme Court and others in the department of justice. He proposed three constitutional amendments reducing the salaries of state officials, the per diem and mileage of members of the legislature and the length of the sessions.

In closing his message, Kellogg repeated his plea for peace and emphasized the fact that now "with capital insured against excessive taxation by the funding law and constitutional amendments it now rests with the citizens themselves to give the immigrants the assurance. . . ."<sup>41</sup>

Governor Kellogg's messages for the three years he was in office presented an ever increasing note of optimism about finances; however, he may have falsified some statements because it was doubtful whether conditions were as bright as he depicted them.

In his address to the assembly as governor in 1877, Kellogg reviewed his achievements as chief executive. Proudly he pointed to the abolition of the contingent debt, the reduction of the bonded and floating debt and taxation, the acceptance of state bonds outside the state, and the payment of interest on all bonds funded up to date. He commented on the failure to pass the proposed amendments to reduce the salaries of officials and expenses of the legislative meetings and to abolish superfluous offices. He also spoke of the political difficulties that slowed the collection of

<sup>40</sup> Kellogg's *Fourth Annual Message* (1876), 4-11.

<sup>41</sup> *Ibid.*, 33-37, 41.

taxes. He claimed that the constructive changes made were effected through the united efforts of Republican and Conservative businessmen.<sup>42</sup>

The collection and assessment of taxation, adequate sources of revenue, the reduction of expenditures and the determination of the validity of the existing debt were problems that still weighed heavily as the Kellogg administration retired. The true financial condition of Louisiana during this period was indeed gloomy and the actual truths may never be known.

#### *New Orleans*

Throughout Louisiana's history one of the most troublesome problems confronting the state has been the politics and issues connected with the city of New Orleans. Kellogg's administration was in no way different from that of his predecessors or successors. Kellogg realized the importance of the city to the state, and in his message in 1873 he urged the legislature "to remove from the city many oppressive burdens imposed upon it by the legislation of the past." The control which the legislature held over the finances of the city was the chief objection. He asked for railroad connections with the city as "its interests are the interests of the State; its credit is the credit of the State."<sup>43</sup> In 1874 the governor again represented to the legislature the importance of New Orleans to the state. To improve the port, he recommended the abolition of the towboat monopoly, the removal of unnecessary inspectors, the repeal of vexatious port charges and licenses, and the end of monopolies. The governor called the legislature's attention to other evils such as the enormous and oppressive fees of the notary public, clerks of court and sheriff; the maintenance of the prisoners in the parish prison by the sheriff instead of the city; the compulsory fees paid for prosecution and conviction of criminals; and the excessive charges of the city coroners. He recommended that measures be taken to reduce the excessive fees and that an additional criminal court be set up in New Orleans.<sup>44</sup> In his message in January, 1875, Kellogg reminded the legislature again that "next in urgency to the condition of the state finances, the embarrassed and crippled position of the city of New Orleans demands your attention." He told the members that the constitutional amendment presented at the election of 1874 limiting the

<sup>42</sup> *Republican*, January 2, 1877.

<sup>43</sup> Kellogg's *Inaugural Address* (1873), 4.

<sup>44</sup> *Louisiana Senate Journal*, 1874, pp. 12-13.



debt of the city and prohibiting its future increase had helped conditions but that more relief was needed immediately. A joint committee to confer with the City Council was recommended. The attention of the legislators was then called to the reform measures pertaining to the city and the port that had been previously recommended, but that had failed to pass the house. He urged reconsideration of these matters.<sup>45</sup>

These measures, proposed in 1874, Kellogg believed would result in benefits to the public interests and assure a reduction in expenditures and taxation.<sup>46</sup>

In referring to the recommendation of the governor to the legislature in 1874, the *Picayune* commended Kellogg but objected to his control of the Metropolitan Police. "Mr. Kellogg has no recommendation to make for the abolition of this great burden and wrong to the city. It is filled with the party tools and instruments of Kellogg. It must therefore be retained intact."<sup>47</sup>

The legislative session of 1875 came to an end without any real legislation to help New Orleans. In the special call Kellogg issued for the extra session to be held in April of the same year, three of the six subjects to be considered dealt with the city: revenues, financial condition and government of the city of New Orleans; relief of the commerce of New Orleans; incorporation of the Board of Trade of New Orleans.<sup>48</sup> In his message to the legislature, Kellogg made no specific recommendation but confronted the legislators with the facts:

The city, with an assessed valuation for its own purposes of taxation of much less than half the valuation of the whole State, has a bonded and floating debt as great as the debt of the State was before the passage of the funding law, if not greater. The interest upon this debt and the expenses of the city government . . . involve an annual outlay larger than any revenue the city is practically able to collect. . . . Each year the debt of the city has increased and its resources have diminished. To check this evil the last Legislature, on my recommendation, supported by the Chamber of Commerce and the then City Council, passed, and the people have since formally adopted a constitutional amendment limiting the debt of the city to its present amount and prohibiting the issue of any warrant or evidence of

<sup>45</sup> Kellogg's *Fourth Annual Message* (1876), 7-9.

<sup>46</sup> *Louisiana Senate Journal*, 1874, pp. 138-140.

<sup>47</sup> *Daily Picayune*, February 15, 1874.

<sup>48</sup> *Annual Cyclopaedia*, 1875, 458.

indebtedness in the future unless against cash actually in the treasury. This amendment will keep the city from getting deeper into debt, but will not relieve its existing embarrassments which are very serious. Its interest is in arrears, it owes a large sum to its employes, and bonds to the amount of several millions of dollars have fallen due, or about to mature, which it has no means of meeting.

In concluding his message, he implored the legislature to give "due weight and consideration to" and pass "measures calculated to promote the business interests of the city."<sup>49</sup>

When it came time for Kellogg to make his report to the legislature in 1876, he had to plead the same case again, as New Orleans was still in need of relief.

According to Kellogg, the city was still financially embarrassed. Its conditions had not improved with the continuance of the municipal corporation control of expenditures, the movement of citizens to attack the police and school levies and the changing city administrations. The governor recommended as the only course for the insolvent city to adopt, "to address itself without necessary delay to some adjustment of its obligations to its creditors, and to provide for a more economical administration of the government in the future." Specifically Kellogg recommended the amendment of the city charter, the reduction of many items of city expenditure, and the appointment of a board of five persons for the adjustment of the debt. According to the executive, the total bonded and floating debt of the city on June 30, 1875, was \$23,288,900.80, the total delinquent taxes now due for the last six years were \$2,352,175.66, and a total existing deficiency for 1875 and 1876 of \$2,693,777, caused by expenditures outrunning the amount of receipts.<sup>50</sup>

Kellogg was quick to realize that the problem of the Metropolitan Police was one upon which the legislators could not agree. When he asked for the consideration of the question, he stated that it was probable that the members of the legislature would not agree and that one party would not "be willing to yield entirely what the other party may insist to be right and equitable." The question in 1876, Kellogg believed, was "whether the present police system is as economical as it probably would be under different management, and whether it is equally efficient." Kellogg

<sup>49</sup> Kellogg's *Special Message*, Extra Session of 1875, pp. 9-10.

<sup>50</sup> Kellogg's *Fourth Annual Message* (1876), 25-29.

offered evidence to prove that the cost and expenses of the police department had been reduced and were not as great as they were when the city council controlled the police.<sup>51</sup> The primary objection to the Metropolitans was that Kellogg controlled them through an act passed in the legislature of 1873, although the city of New Orleans had to support the police. Each session of the legislature saw some measures passed relating to the financing of this group of soldiers or the actions of the Board of Metropolitan Police, the governing body. By an act passed in 1874 the Board was ordered to reduce expenditures and to recognize and reduce the police force. A similar act was passed in 1875. By this act, the city of New Orleans and other cities were forced to continue the support of this organization.<sup>52</sup> The payments to the group were not always forthcoming, and one time in 1874 a group marched on Kellogg demanding that they be paid since they had served him.<sup>53</sup> According to the governor, "if the taxes were collected closely and the police were paid promptly," the police appropriation could be lessened and probably met.<sup>54</sup>

One question in New Orleans which aroused the populace was the private versus free market fight which lasted throughout 1874 and 1875. It began with Kellogg's veto of a bill to regulate the private markets which would have virtually abolished the free markets of the city. In his veto message, Kellogg stated that he thought all the reasons assigned for the abolition of private markets were not binding. He was serenaded and applauded by those opposed to the bill. But the bill was passed over his veto and promulgated.<sup>55</sup> This act was hailed as a corrupt measure and it was claimed that a "ring" of officials secured the passage because the abolition of the private or free markets would help them and their public markets.<sup>56</sup> Because of the governor's control of the police force, the clear-cut division between the public and private market men, and the attitude of the city authorities, conditions were very bad for some time and for months the market question remained unsettled.<sup>57</sup> Finally, in May of 1875, a Supreme Court decision

<sup>51</sup> *Ibid.*, 30-31.

<sup>52</sup> *Louisiana Acts*, 1873, Nos. 37, 64, 95, pp. 66-67, 120-121, 170-172; 1874, Nos. 33, 60, pp. 68-72, 108-109; 1875, No. 16, pp. 35-39.

<sup>53</sup> *Daily Picayune*, December 25, 1874.

<sup>54</sup> Kellogg's *Fourth Annual Message* (1876), 30-31.

<sup>55</sup> *Louisiana Senate Journal*, 1874, pp. 214-215; *Louisiana House Journal*, 1874, pp. 200-202, 208; *Louisiana Acts*, 1874, No. 31, pp. 65-66. Letter to William Pitt Kellogg from C. B. White, February 23, 1874, in Kellogg Papers, Department of Archives, Louisiana State University, Baton Rouge, Louisiana. Dr. White states that he considers the private or free markets free from the charge of unsanitary conditions.

<sup>56</sup> *Daily Picayune*, March 3, 1874.

<sup>57</sup> *Ibid.*, May 22, August 2, 16, October 23, 1874; *Republican*, August 16, 1874.



forced the private markets to obey the order to remain closed, but resistance to the order still continued.<sup>58</sup>

The bill amending the charter of the city of New Orleans proved to be a dangerous issue in politics in 1874. This act would have placed in Kellogg's power virtual control of the city and its offices.<sup>59</sup> For almost one year the measure remained unsigned.<sup>60</sup> The *Picayune* suggested that the governor held it as a threat. Another writer claimed he was afraid to assume such dictatorial power after the results of the events of September 14, 1874.<sup>61</sup> Kellogg himself, in vetoing the act on April 14, 1875, gave as his reason that he felt his action here "might impede the efforts being made to assist the city out of its difficulties."<sup>62</sup> The *Picayune* praised his action for "it shows that he is ready to defer to public opinion, and that he has abandoned that policy of continual interference in the affairs of New Orleans, which is so irritating and objectionable."<sup>63</sup>

The legislators really failed to do anything for New Orleans because they refused to give up the control they held over the departments of the city government. The premium bond scheme proposed by the city council and recommended to the legislators by Kellogg became law and helped in reducing the bonded debt although no provision was made to take care of the floating debt.<sup>64</sup>

In his final message to the state on his departure from the gubernatorial position, Kellogg stated that although conditions in New Orleans had not improved very much the rate of taxation was down, the city debt had been limited, and the prohibition of "the issuance of any warrant or evidence of indebtedness except against money actually in the treasury was assured."<sup>65</sup>

#### *Internal Improvements*

In commenting on the conditions in Louisiana in 1877 Kellogg confessed that his record on internal improvements was not good.<sup>66</sup> This was easily explained. There could not be any progress in this field in the state because of the continued unsettled political conditions, the constant war between the two factions, and the attitude of the legislature.

<sup>58</sup> *Daily Picayune*, June 16, 1875; *Republican*, May 15, 1875.

<sup>59</sup> Kendall, *History of New Orleans*, I, 377-378.

<sup>60</sup> *Daily Picayune*, May 31, 1874.

<sup>61</sup> Kendall, *History of New Orleans*, I, 378.

<sup>62</sup> *Louisiana Senate Journal*, Extra Session, 1875, p. 4.

<sup>63</sup> *Daily Picayune*, April 15, 1875.

<sup>64</sup> Kendall, *History of New Orleans*, I, 381-382, 388; *Louisiana House Journal*, 1876, p. 175; *Louisiana Acts*, 1876, No. 31, pp. 54-58.

<sup>65</sup> *Republican*, January 2, 1877.

<sup>66</sup> *Ibid.*

Kellogg, in his opening message to the legislature in 1873, emphasized the necessity for legislation concerning improvement projects within the state. One of the first questions was that of levees. This remained a problem during his entire administration. In 1873, as the result of an act passed by the legislature in 1871, the Louisiana Levee Company had been created. The governor asked that a committee of citizens be appointed by the legislature "to examine and report upon the character and sufficiency of the levees constructed and in process of construction by the company, and the degree of energy with which the work is being conducted."<sup>67</sup> He repeated this plea in his message in 1874, with a recommendation that the four-mill levee construction and repair tax be reduced to three mills.<sup>68</sup> The Louisiana Levee Company came in for a terrific blow from the governor in his message in 1876. He devoted considerable space to an exposé backed up by reliable statistics of this organization. He charged it with the failure to live up to its agreements as sole builder and insurer of the levees of Louisiana. Kellogg recommended a plan to the legislators which he believed would give "increased efficiency and economy to our levee system." This was the employment of the able-bodied convicts of the state under the direction of a board of public works. The executive believed that this plan would give greater economy, efficiency, and satisfaction, because the whole levee system would be lifted out of all political influence. In concluding this recommendation, he was careful to assure the legislature that until the national government came to the relief of the state or until his plan or some other practical plan was adopted, he was "not prepared to recommend the immediate repeal of the charter of the Levee Company, objectionable as it is."<sup>69</sup> The legislature of Louisiana failed to heed the governor's suggestions and continued to memorialize Congress for aid in the construction and control of the levees.<sup>70</sup> The levee situation was complicated by the crevasse of 1874 which brought a great deal of suffering to the state. Aid was secured outside of the state to alleviate the distress. Kellogg's efforts here in appealing to the national government proved helpful.<sup>71</sup> In addition to the material destruction which hindered any improvements in the economic condition of the state, the flood made action regarding the levee system impera-

<sup>67</sup> Kellogg's *Inaugural Address* (1873), 7.

<sup>68</sup> *Louisiana House Journal*, 1874, p. 10.

<sup>69</sup> Kellogg's *Fourth Annual Message* (1876), 13-20.

<sup>70</sup> *Louisiana Acts*, 1876, No. 2, pp. 15-16.

<sup>71</sup> *Daily Picayune*, April 10, 17, 18, 21, 1874; *Republican*, April 9, 17, 18, 21, 22, 25, 26, May 5, 1874.

tive. On several of Kellogg's trips to the North, he sought to gain support for the building of levees by the national government.<sup>72</sup> The governor was in favor of the Fort St. Philip canal project for opening the mouth of the Mississippi, and the Red River clearance projects.<sup>73</sup> The last carpetbag administration ended with no fundamental changes in the water transportation system of the state. The waste and extravagance of the levee funds had resulted in very little levee construction and improvement.

The railroad interests of the state still remained "in a most unsatisfactory condition" in 1876, admitted the governor. The records of the time leave no doubt that efforts were made to secure railroad connections with points outside the state. The most pertinent question was that of lines between Louisiana and Texas. Before Kellogg came into office, the New Orleans, Mobile, and Texas Railroad Company had been subsidized by the state to build this rail connection. In 1873 the company became insolvent and abandoned the work. It was then sold under judicial proceedings in the United States Circuit Court. Kellogg brought suit against the company in behalf of the state. But in 1874 he was so desirous of getting the work done that he stated in his annual message that he "would most willingly abandon all claims of the State in favor of any parties who would undertake to build the road within a reasonable time, and who would give a reasonable guarantee for the execution of their engagements." In the later part of 1875, at the request of a number of prominent citizens, the suit between the state and the company was presented in brief and a decision was rendered that vested the right of building the railroad line in the first mortgage holders. Kellogg doubted that anything would be done and recommended to the legislature of 1876 that an investigation be conducted "into all matters connected with this railroad, to the end that the exact status of the road may be known." The effect of the state's relations with this company was pictured by the governor as follows:

Had any earnest effort been made by that company to carry out in good faith the promises it held out to the State, the people might have viewed with more indulgence the injury which the company, by barring the way to other enterprises, has inflicted upon the State, and the serious damage which the large issue of bonds by the State to this company

<sup>72</sup> *Republican*, June 14, July 3, 1874; *Daily Picayune*, June 14, 16, 1874.

<sup>73</sup> *Louisiana House Journal*, 1874, pp. 10-11; *Republican*, June 6, 14, 1874; Kellogg's *Fourth Annual Message* (1876), 6.



has inflicted upon our credit at home and abroad. While it is true that the general financial stringency prevailing for the last few years all over the country has affected more or less every railroad enterprise, this fact is entirely insufficient to account for the utter failure which the New Orleans, Mobile and Texas railroad has made to comply with any of its obligations to the State.

The extension of the Texas Pacific railway was a very vital issue in 1876. As far as Louisiana was concerned, the question was the establishment of a direct railroad connection between New Orleans and some point at or near the eastern terminus of the Texas Pacific railroad. During 1875 the New Orleans and Pacific Railroad company was incorporated, and Kellogg recommended that "if a road were completed from this point [Bayou Goula, ten miles from Donaldsonville] to connect with the New Orleans and Texas Railroad at Alexandria, the problem of direct railroad connection with Northern Texas would be measurably solved." The unfortunate part of these propositions, concluded the governor, was the unwillingness of Congress to lend assistance.<sup>74</sup> On every trip to the North, Kellogg tried to forward the railroad interests of the state.<sup>75</sup> Enthusiasm was displayed by all parties in the furtherance of all transportation facilities<sup>76</sup> and the fact that the governor gave the appearance of looking after these matters helped to increase his prestige. Doubtless the internal conditions of the state were responsible for the lack of action on the railroad questions. Kellogg's constant plea was: "Railroad connections placing New Orleans in closer relations with the vast trade of Texas as well as the trade of the distant portions of the State is what is most needed. No effort should be spared to bring about this result."<sup>77</sup>

### *Institutions*

In all of his messages to the legislature, Kellogg devoted much space to the state-supported institutions.<sup>78</sup> In his message of 1876 he expressed hope that something would be done for the Charity Hospital. All previous appropriations had fallen through, according to the executive, and he urged that a liberal appropriation be made for the hospital, because it was "burdened with the

<sup>74</sup> *Louisiana Senate Journal*, 1876, pp. 13, 15; Kellogg's *Fourth Annual Message* (1876), 21-25.

<sup>75</sup> *Republican*, September 11, 30, 1873; October 28, 1875, April 25, 1876; *Times*, June 14, July 4, October 27, 1875; *Daily Picayune*, May 3, 1876.

<sup>76</sup> *Republican*, March 11, June 1, December 6, 1873; May 11, 1875; *Daily Picayune*, May 12, 20, 31, 1875; *Times*, November 25, 1875; January 24, 28, 1876.

<sup>77</sup> *Louisiana Senate Journal*, 1874, p. 10.

<sup>78</sup> *Ibid.*, p. 15; Kellogg's *Fourth Annual Message* (1876), 12.

debt unavoidably incurred in the past years" and because of "the vast amount of sickness and suffering which this institution relieves, and the necessity which exists in this climate, particularly in times of epidemic, of providing for the effective treatment of the poor and homeless." He made a special plea for the deaf and dumb, the blind and the insane asylums. The condition of the last named institution deserved special attention, Kellogg said: "... great suffering exists owing to the want of the proper means to warm the building, ... there is a strong probability of losing experienced nurses because of unpaid wages, ... [and] the buildings are very much in want of repairs."<sup>79</sup> For the state penitentiary the governor had a twofold plan: "permit the present lessees to continue working the convicts under the existing lease" and "to meet an exigency that might be presented in the future by reason of the convicts being thrown upon the State."<sup>80</sup> As already stated, he was in favor of a plan whereby the convicts would help keep up the levee system of the state.

### *Education*

The control of education under the Kellogg régime was in the hands of a Negro superintendent of education—W. G. Brown. The white citizens of the state complained that graft and corruption existed here as elsewhere.<sup>81</sup> In referring to the public school system, Kellogg claimed that there were 250,000 children in the state and that it required \$1,500,000 per year to educate them. The governor asserted that the revenue for the schools was not equal to the needs, primarily because of the improper diversion of funds and the lack of supervision over the finances.<sup>82</sup> The school problem, which had New Orleans as a center of emphasis, was reviewed by Kellogg in 1876 and stated as follows:

Whether some provision should not be made tending to greater permanence and less frequent changes in the selection of teachers, is suggested, also the propriety of giving municipal bodies a representation in the composition of local boards of directors, in city and country. Also, whether the powers of the Board of School Directors of the city of New Orleans should not be subdivided. . . . Although there may have been too frequent changes of teachers in the city, I think a careful inspection of the lists will show that, with few exceptions, political considerations have little or no influence in the appointments made.

<sup>79</sup> Kellogg's *Fourth Annual Message* (1876), 37-38.

<sup>80</sup> *Ibid.*, 20-21.

<sup>81</sup> Lonn, *Reconstruction in Louisiana*, 356.

<sup>82</sup> *Louisiana Senate Journal*, 1874, pp. 13-14.

The main question for the taxpayer to consider is whether the present school system is economically administered. . . .

It will thus be seen that the cost of the public schools of the city of New Orleans instead of being excessive is below the average of other cities. Our present school system may be open to objection in some respects, but I believe much of the dissatisfaction expressed has arisen from misapprehension of the true condition of affairs, or has grown out of prejudice fostered for partisan ends.<sup>83</sup>

During Kellogg's administration, support of the State University and of the Agricultural and Mechanical College were vital issues; however, the political struggles were so bitter during these years that the affairs of colleges and schools did not receive much attention. The University did not have an easy time as it suffered from the indifference of the Kellogg government towards its support. The legislature of 1874 accepted the provisions of the Morrill Act of 1862 for setting up schools for the study of agriculture and the mechanical arts. Kellogg suggested that "this grant might be utilized with greater advantage in connection with the existing Louisiana State University at Baton Rouge," but this was not done as the Agricultural and Mechanical College was established in 1874. The bill providing for the union of the University and the Agricultural and Mechanical College passed the legislature of 1876 with heated discussion. Kellogg was warned by both sides as to what his actions should be. He failed to sign the bill in 1876 and did not send a veto message on the first day of the session of 1877; therefore, 1877 marks the end of the separate existence of the two institutions. In his message after the establishment of the Agricultural and Mechanical College, he gave it his support. The mixed races feature of this school proved to be very unpopular.<sup>84</sup> This situation in the entire educational system hindered all educational progress.

#### *Pardoning Power*

The use of the executive pardon proved to be another point in which the governor was open to much criticism. Early in 1874 there was a particular wave of indignation in relation to this question.<sup>85</sup> The New Orleans *Times* pointed out in an editorial

<sup>83</sup> Kellogg's *Fourth Annual Message* (1876), 32-33.

<sup>84</sup> Walter L. Fleming, *Louisiana State University, 1860-1896* (Baton Rouge, 1936), 249-302; *Louisiana Senate Journal*, 1874, p. 14; Kellogg's *Fourth Annual Message* (1876), 38-39; Kellogg's *Annual Message* (1875), 13; *Louisiana Acts*, 1874, No. 125, pp. 224-226.

<sup>85</sup> *Times*, February 22, May 13, 1874; *Daily Picayune*, February 22, April 8, 1874; *Republican*, April 15, 1874.



that "we believe this extensive use of pardoning power is without a parallel in this country, or any portion of the world." Kellogg tried to justify his position. After being confronted with the governor's denial of "wholesale pardons," the *Times* states that "in some instances we are satisfied that Governor Kellogg has been imposed upon; in others, that he has strained the quality of mercy through overpersuasion."<sup>86</sup>

#### *Executive Patronage*

Whether Kellogg was sincere in his statements concerning the appointing power cannot be determined. In his opening message, he told the legislators that it was his opinion that "the executive is invested with a large amount of patronage—in my judgment too much." Then he went further and depicted an ideal that was not reached by his administration, supported as it was by those whose primary aim was material gain:

Party services, doubtless, when honorably performed, entitle an applicant to consideration, but the claim should also be founded in capacity and integrity. Feeling myself responsible in a great measure for the good conduct of every public officer, I shall hold each to a strict accountability for the faithful and proper discharge of his official duties.<sup>87</sup>

Kellogg doubtless used his appointing power to the best advantage of the Republicans in order to maintain his government.

#### *Registration and Election Laws*

The problem of registration and election laws was probably one of the most controversial faced by Kellogg and the state. Kellogg, in addressing the legislature in 1876, prior to the forthcoming election, expressed a desire that was universal among the Democrats: "an election law which will secure a fair expression of the will of the people, and protect every ballot-box and every suffragan from fraud and violence."<sup>88</sup> The history of the period well illustrated the absence of any "sane" election, for the returns of the contests of 1872, 1874 and 1876 were all disputed. It is at least to a certain extent noteworthy that Kellogg at the end of his administration realized that something might be wrong with the registration and election laws.<sup>89</sup>

<sup>86</sup> *Times*, April 7, 15, 1874.

<sup>87</sup> Kellogg's *Inaugural Address* (1873), 8. The vast amount of requests for jobs throughout the state form the major portion of the manuscript collection of Kellogg materials in the Louisiana State University Department of Archives. Newspaper accounts testify to the fact that the governor was constantly visited by these people with requests for jobs.

<sup>88</sup> Kellogg's *Fourth Annual Message* (1876), 39-40.

<sup>89</sup> *Ibid.*

*The Governor's Absences*

Not including certain minor trips from the state, Kellogg as governor managed to spend a considerable portion of his time in the North outside the borders of Louisiana. A tabulation of his visits is as follows:

1873—August 12-27; September 11-November 2.

1874—June 14-July 2.

1875—August 8-October 28.

1876—April 25-May 23; June 9-June 23; July 18-September 14.<sup>90</sup>

The summer climate accounts for some of his absence, but does not explain all. He went North under the disguise of promoting the interests of the state; however, it is more probable that the reason was to secure national support for his régime. The existing relation between Antoine and Kellogg was probably not cordial. Two facts, however, are evident: Kellogg left no means for Antoine to hurt him as governor during his absences, and fresh trouble always broke out with Antoine's assumption of the reins. One writer suggested that Antoine performed certain duties in the governor's absence in order that Kellogg might escape some of the odium himself.<sup>91</sup>

*The Negro*

The intense political strife of the period resulted many times in racial conflict. The situation was not improved with the passage of an act by the legislature, which had Kellogg's hearty endorsement, assuring the Negroes equal civil rights.<sup>92</sup> Kellogg was of the opinion that better relations would exist if the Negro was allowed to invest and was protected in his investments.<sup>93</sup>

Numerous other issues arose during the Kellogg administration dealing with the methods of conducting affairs within and outside the state and with the resources of the state, but for the most part these never got beyond the state of discussion. The legislators, in providing for the state as already indicated, helped themselves more. Many of the governor's and other citizens' recommendations remained unheeded. For the greater part of the four years the state was involved in actual civil war. This naturally was the fundamental cause of the lack of progress.

<sup>90</sup> *Republican*, 1873, 1874, 1875, 1876, *passim*.

<sup>91</sup> *Daily Picayune*, May 13, 1876.

<sup>92</sup> *Louisiana Acts*, 1873, No. 83, pp. 152-156.

<sup>93</sup> Kellogg's *Inaugural Address* (1873), 9.

William Pitt Kellogg as chief executive of Louisiana must be judged. It is indisputable that he was a carpetbagger whose every policy had as its aim the entrenchment of Republicanism and that his government only existed at the will of the Federal government. A traveler to Louisiana in 1875 recorded the following conclusions about Kellogg, which is probably in some respects as good an explanation as is obtainable:

It is a grave misfortune for Louisiana that in her crisis she has so weak a governor. I believe that Governor Kellogg has a sincere wish to do right; but he has no force of character; he has no influence over those who rule with him. He lacks the iron grip which is needed to bring reform. . . . The good Kellogg only drifts, and hopes he is drifting toward the United States Senate. But, so drifting, he fatally impedes reforms; he allows things to be done which imbitter the passions of men, and make them hopeless of reform; he really bands together the white men, who have all to lose by continued bad government, and all to gain by good, and the great mass of whom would to-day be happy and content with good government on any terms.<sup>94</sup>

In 1877 the era of Republicanism in Louisiana was to close and in its final days Kellogg was still to be a part of the picture.

## CHAPTER VI

### EXIT OF A CARPETBAGGER

The approaching election of 1876 meant another testing of Republicanism in Louisiana. The Democratic nominating convention was held in Baton Rouge, beginning on July 24, 1876. On July 26, Francis Tillou Nicholls of Assumption Parish was nominated for governor and Louis A. Wiltz of Orleans Parish for lieutenant governor. Prominent men in the party were nominated to fill other offices. The convention adopted a platform denouncing the Republican rule of the past four years and declaring "administrative and political reform to be the paramount issue in the coming general election."<sup>1</sup>

The Republican State Convention for the selection of delegates to the Cincinnati meeting of all Republicans was held in New Orleans on May 30 and 31. Kellogg, Packard, Pinchback and Brown were delegates at large. The Louisiana delegation left the state on June 9. At this convention the group cast fourteen votes,

<sup>94</sup> Charles Nordhoff, *The Cotton States in the Spring and Summer of 1875* (New York, 1876), 67-68.

<sup>1</sup> *Annual Cyclopaedia*, 1876, 484-485; *Republican*, January 27, 1876.



twelve for James G. Blaine and two for Rutherford B. Hayes for president, but they supported William A. Wheeler, "the compromiser," for vice president. Kellogg made a trip to Chicago during the convention, and accompanied Packard when the latter went as a member of the committee to Columbus, Ohio, to inform Hayes of the nomination. Kellogg and Packard extended their trip to include a visit to Washington. It was reported that they were seeking Grant's aid for the forthcoming contest. They were the last of the delegation to return home, arriving on June 22.<sup>2</sup> The Democrats through their organ the *Picayune* looked with alarm at the visit of Kellogg and Packard to Grant.<sup>3</sup>

The Republican State Convention began its session on June 27. The convention was a scene of factional quarrels—Pinchback and Warmoth verses Packard and Kellogg. For a few days it seemed that nothing would be accomplished. On the fifth day P. B. S. Pinchback was elected permanent president. A platform was adopted the same day reaffirming approval of the action of the national Republican party and praising the work of Grant, Kellogg, and the Republicans in Louisiana. The convention ended with the selection of Packard and Antoine as the candidates for governor and lieutenant governor, respectively. Kellogg had stated that he was not a candidate for either the governorship or the senatorship. He was selected, however, as a candidate for presidential elector at large on the ticket. The convention closed on July 5.<sup>4</sup> A large Republican ratification meeting was held at the Mechanics' Institute on July 10. Kellogg presided and expressed his confidence in the ticket, stating "that never has the Republican party entered on a canvas under more favorable auspices."<sup>5</sup> The opposition played up the discord in the convention. The *Picayune* even suggested as a result of a personal interview with the governor that Kellogg might form a third party if either Warmoth or Ludeling was nominated.<sup>6</sup>

Kellogg, accompanied by his family and several Republican friends, left the state again on July 16.<sup>7</sup> His political opponents had hinted several days before that they felt sure either Packard or Kellogg would go to Washington to finish the election plans.<sup>8</sup>

<sup>2</sup> *Republican*, May 30, 31, June 1, 8, 10, 15, 17, 18, 20, 23, 1876.

<sup>3</sup> *Daily Picayune*, June 22, 1876.

<sup>4</sup> *Republican*, June 28, 29, 30, July 1, 2, 4, 6, 1876; *Annual Cyclopaedia*, 1876, 484; *Times*, June 24, 1876.

<sup>5</sup> *Republican*, July 11, 1876.

<sup>6</sup> *Daily Picayune*, June 28, 29, 1876.

<sup>7</sup> *Republican*, July 18, 1876.

<sup>8</sup> *Daily Picayune*, July 11, 1876.

This trip was assailed by the Democratic press who called the governor "the Wandering Jew of Louisiana politics" and suggested that Kellogg's constituency abroad was in need of a personal visit to cement relations and to ensure continued assistance in behalf of the governor himself as the leader of the Republican party.<sup>9</sup> Kellogg did see the President, and the *Republican* stated that Grant said that all aid would be given to ensure a fair election and that he was pleased with Packard's nomination.<sup>10</sup> Kellogg extended his trip to include numerous places in the North and South and returned to the state on September 13, 1876.<sup>11</sup>

Several reported interviews with Kellogg by reporters of Northern newspapers quoted the governor as discussing the wrong conceptions of Northerners about the South and the chances of a Republican victory in the South and especially in Louisiana.<sup>12</sup> According to the editorials in the *Picayune* and reported interviews of the governor by this paper, Kellogg was prepared personally for a defeat of the Republicans, but was confident that the reconstruction of Louisiana would be carried through before the Democrats gained control.<sup>13</sup>

Whether the *Picayune* reporter was truthful when he stated that Kellogg said "he did not intend to take much part in the canvass, but may make a few speeches toward the close of the campaign"<sup>14</sup> does not matter, for his record during the campaign verified this fact. Kellogg was not in the state of Louisiana until the middle of September and so he had only one month and a half in which to "stump" the state. He did not make a tour of the whole state. He spoke only at certain scheduled places and on numerous occasions did not fulfill his engagements. His speeches had as their central theme praise of Republicanism in the state. He participated freely and actively, however, in the final rallies.<sup>15</sup>

The campaign throughout the state lasted the greater portion of 1876, for the Democrats began to organize early in the year. The campaign consisted largely of four phases: formation of clubs, registration and resultant quarrels, mass meetings with speeches and barbecues, and acts of violence.<sup>16</sup> During the early

<sup>9</sup> *Ibid.*, July 26, 1876.

<sup>10</sup> *Republican*, July 29, 1876.

<sup>11</sup> *Ibid.*, September 14, 1876.

<sup>12</sup> *Ibid.*, August 8, 30, 1876.

<sup>13</sup> *Daily Picayune*, September 14, 15, 24, 1876.

<sup>14</sup> *Ibid.*, September 24, 1876.

<sup>15</sup> *Republican*, September 3, 19, 29, October 1, 5, 13, 17, 21, 22, 28, November 5, 7, 1876; *Daily Picayune*, September 30, October 26, 28, 29, 1876.

<sup>16</sup> Fanny Z. Lovell Bone, "Louisiana in the Disputed Election of 1876," in *Louisiana Historical Quarterly*, XIV (1931), 553.

part of 1876, there had been renewed disturbances in East Baton Rouge, East Feliciana and West Feliciana parishes. In May two Radicals were shot by an assassin at Coushatta. These were local troubles. Together with outbreaks in regions such as Ouachita Parish in the months before the election, these were used by the Republicans as evidence of intimidation.<sup>17</sup>

One of the important issues was the matter of registration, commissioners of election, and polling places. A large correspondence on this subject ensued between the governor and Michael Hahn, registrar of voters, and E. A. Burke, representing the Democrats and Conservatives. No real change in the procedure was made, but Kellogg continued to declare he was desirous of a "fair registration and election."<sup>18</sup> He was accused by the Democrats of being the perpetrator of many of the misdeeds of Republicans in the state. There was no doubt that many of his actions were not in keeping with the actions of a chief executive. Both sides were preparing for what they believed to be the climax of the reconstruction struggle. All complaints of previous elections were uttered again. It is difficult to evaluate this campaign, although the evidence seems to point to the fact that both sides were guilty of a great deal of fraud and intimidation.<sup>19</sup>

The election passed off peacefully and quietly on November 7, and resulted in disputed returns as in 1872. This time, however, the results of the national election were disputed, and the returns from Louisiana, Florida, and South Carolina would be the determining factor. Kellogg sent a confidential dispatch North after the election, claiming victory for the Republicans, but the Democrats counteracted this by reports of their own victory. The returning board, composed of Republicans, met in the state house on November 16, organized, and proceeded to canvas the votes. Kellogg had refused to reorganize the board as the Democrats requested. On December 6 the board rendered its decision, giving Louisiana's electoral votes to Hayes and Wheeler and declaring all the state offices filled by the Republican candidates. Dual returns were sent to Washington. Kellogg sent the returns claiming Republican victory and McEnery sent the returns claiming Democratic victory. By December 15 two

<sup>17</sup> *Annual Cyclopaedia*, 1876, 485.

<sup>18</sup> *Republican*, October 25, November 4, 1876; *Daily Picayune*, October 23, November 1, 5, 7, 1876.

<sup>19</sup> *Daily Picayune*, October 27, 1876; Lonn, *Reconstruction in Louisiana*, 412-437; Bone, "Louisiana in the Disputed Election of 1876," in *Louisiana Historical Quarterly*, XIV, 551-565.



Congressional committees arrived in New Orleans to investigate the election and the action of the returning board. The committee conducted their investigation over a period of six weeks and left the state early in January, 1877, to make their respective reports to Congress.<sup>20</sup> By January of 1877 Louisiana again had two governors, two legislatures, and two complete sets of state officers.

On January 1, 1877, the state house was occupied by armed police and militia, and barricaded by order of Governor Kellogg. Only those possessing certificates of election from the returning board were admitted. The Democrats refused to take any part and retired to meet at St. Patrick's Hall. Each group claimed to be the legal legislature and proceeded to conduct business.<sup>21</sup> Kellogg transmitted his final message to the legislature, a review of his gubernatorial career. The governor said that he was glad to welcome Packard as his successor, and hoped that the legislature would "accord him earnest support in maintaining the laws and advancing the material interests of the State and securing and protecting the humblest citizen in the rights guaranteed to him by the constitution of the country."<sup>22</sup>

When visited by a committee of Democrats protesting against the military force in the state house, Kellogg denied the presence of United States soldiers, and said there was only "a force of police armed no differently from the way in which they are ordinarily armed as conservators of the peace." When questioned about the barricades he asserted that they were necessary "to prevent any danger of a mob breaking into the Treasurer's and Auditor's offices."<sup>23</sup>

President Grant's attitude in regard to the state government was that he did not know which of the contending parties had carried the state. Grant knew that neither he nor the returning board had the right to create a governor, but in the meantime he had Federal troops guard and protect the legislature in session in the state house. Grant instructed General Augur to keep the peace, by military force if necessary. But both parties were waiting for the determination of the electoral vote of the state by Washington.<sup>24</sup>

<sup>20</sup> Bone, "Louisiana in the Disputed Election of 1876," in *Louisiana Historical Quarterly*, XV (1932), 104-115.

<sup>21</sup> *Annual Cyclopaedia*, 1876, 493.

<sup>22</sup> *Republican*, January 2, 1877.

<sup>23</sup> *Ibid.*, January 3, 1877; *Daily Picayune*, January 3, 1877.

<sup>24</sup> Bone, "Louisiana in the Disputed Election of 1876," in *Louisiana Historical Quarterly*, XV (1932), 235.

On January 8 two chief executives, Francis T. Nicholls for the Democrats and S. B. Packard for the Republicans, were inaugurated. Packard was inaugurated in the state house behind closed doors. Kellogg introduced Packard to the assembly by recalling the resemblance of the present conditions to the conditions when he was inaugurated and praising the present government for being in accord with the incoming administration. He said:

I introduce to you the next Governor of Louisiana, and tender to him, on behalf of the outgoing government, a prompt recognition of his just claims, and every aid and encouragement it may be in our power to bestow. An original Republican, the intimate friend and co-laborer of the lamented late Lieutenant Governor Dunn, always faithful to his party, of tried ability and integrity, in your name and my own I wish him God speed.<sup>25</sup>

On January 10 the Packard legislature held a joint convention composed of 17 Senators and 66 Representatives and nominated Kellogg for the United States senatorship. The result of the voting was announced as follows:

That the Hon. William Pitt Kellogg, having received eighty-three votes, and that being a majority of the votes cast by a legal quorum of the joint session of the General Assembly of the State of Louisiana, was elected United States Senator from the State of Louisiana for the term of six years, beginning March 4, 1877.<sup>26</sup>

The *Republican* supported Kellogg's nomination as being "exceedingly gratifying."<sup>27</sup> The *Picayune* used this event as an opportunity to laugh at Kellogg by ridiculing his personal qualities.<sup>28</sup> Pinchback asserted that the members of the legislature were paid \$250 each to vote for Kellogg, and that Kellogg, "by virtue of his pretended power of Governor, by virtue of the distribution of positions and offices of tax collectors and other offices under his gift, from the Supreme Court . . . to the lowest member of the police jury," secured his election as Senator.<sup>29</sup>

On January 22, 1877, Kellogg left the state for Washington. Two days earlier his credentials had been presented to the Senate by Senator O. P. Morton. They were read and ordered to be

<sup>25</sup> *Republican*, January 9, 1877.

<sup>26</sup> *Annual Cyclopaedia*, 1877, 458.

<sup>27</sup> *Republican*, January 11, 1877.

<sup>28</sup> *Daily Picayune*, January 10, 1877.

<sup>29</sup> *Republican*, January 16, 1877; *Daily Picayune*, January 14, 1877.

filed.<sup>30</sup> In the meantime, Kellogg worked to secure support for the Packard government.<sup>31</sup> On March 5 Kellogg's name was presented preparatory to his taking the oath. On March 7 the Senate decided to refer his application to the Committee on Privileges and Elections.<sup>32</sup> Reconstruction had come to an end in Louisiana with the settlement of the national question by the recognition of Hayes and Wheeler as president and vice president. With the withdrawal of Federal troops from Louisiana, the Packard government collapsed. On April 24 the two houses of the Democratic legislature, now the only legislature, met in joint session and elected Henry M. Spofford to the same position for which the Packard legislature had elected Kellogg.<sup>33</sup> Kellogg returned to the state the last week of May, 1877.<sup>34</sup> It was realized that the case of Kellogg would be reopened when both he and Spofford presented their credentials to Congress in the fall.<sup>35</sup> This contested question was finally taken up on October 15, when Congress met, and argued at great length during the next two months.<sup>36</sup> By a close vote of 30 to 28 Kellogg was seated on December 1, 1877.<sup>37</sup> Now Louisiana had a Republican Senator in Congress and a Democratic governor.

Kellogg remained in the United States Senate from December 1, 1877 to March 3, 1883. The Democrats were enraged at his acceptance and in an editorial entitled "The Senatorial Cheat," they reminded the world that "Kellogg's is but a transient victory, beyond which is an early plunge to obscure infamy."<sup>38</sup> Kellogg's career during these six years was not a momentous one. He did, however, serve on the Committees on Territories and Commerce, and also as chairman of the Committee on Railroads.<sup>39</sup>

During the national Republican nominating convention in 1880, Kellogg was one of the famous "306" who struggled so hard to secure the nomination of Grant for the third term.<sup>40</sup> In 1883 Kellogg took his seat in the United States House of Representatives as the representative from the Third Congressional District

<sup>30</sup> *Congressional Record*, 44 Cong., 2 Sess., 762.

<sup>31</sup> *Republican*, January 27, February 17, 28, March 1, 1877.

<sup>32</sup> *Congressional Record*, 45 Cong., 1 Sess., 2, 15, 23.

<sup>33</sup> *Louisiana Senate Journal*, 1877, pp. 192-193.

<sup>34</sup> *Daily Picayune*, May 23, 1877.

<sup>35</sup> *Ibid.*, June 30, 1877.

<sup>36</sup> *Congressional Record*, 45 Cong., 1 Sess., 82, 83, 106, 150, 603-605, 635, 730-764, 767-797.

<sup>37</sup> *Ibid.*, 797.

<sup>38</sup> *Daily Picayune*, December 2, 1877.

<sup>39</sup> *National Cyclopaedia*, X, 82.

<sup>40</sup> *Times-Picayune*, August 11, 1918.



comprising twelve parishes in the Têche sugar region. Thus Kellogg was the only Republican representative in Congress at this time. Kellogg secured enough votes to obtain the position; however, J. H. Acklen, his Democratic opponent, contested the election on the grounds that Kellogg was not a resident of the Third Congressional District. Governor Samuel D. McEnery, using as the basis a registration certificate of 1874, decided in favor of Kellogg.<sup>41</sup> He served here two years but did not distinguish himself.<sup>42</sup>

With the ascendancy of the Democrats in 1885 and the election of Grover Cleveland as president, Kellogg retired from active political life. During the period from 1868 to 1892, he was a delegate at large to the Republican national conventions. He served five times as the chairman of the Louisiana delegation.<sup>43</sup>

For many years after his retirement from active politics, Kellogg lived in Washington, D. C. On August 10, 1918, at the age of eighty-eight, he died. It was reported at his death that he was independently wealthy.<sup>44</sup>

Kellogg undertook to head the government of Louisiana in a period when he knew that he was not wanted in such a position. He proved to be a true Republican, for he always upheld the banner of the party in the state. He was the agent or tool of President Grant and the Republican party in their reconstruction of Louisiana. His government only existed at the command of the president. Without the presence of Federal troops in the state, Kellogg's biography would read differently. The pent-up hatreds of Louisiana Democrats were continually launched upon the person of Kellogg; because to them he symbolized everything they opposed in reconstruction.

Despite his shortcomings and the hatred manifested for this carpetbagger, the *Times-Picayune* was able to close its story of Kellogg's life with the following words: "Governor Kellogg was known as a far-sighted man, and though his connections with Louisiana politics did not meet with the favor of many of the citizens, he was known to conduct all his fights in the open."<sup>45</sup>

<sup>41</sup> New Orleans *Times-Democrat*, November 17, December 2, 6, 7, 1882.

<sup>42</sup> *Congressional Directory*, 48 Cong., 1 Sess., 34.

<sup>43</sup> *Times-Picayune*, August 11, 1918.

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*

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William Pitt Kellogg Papers. Department of Archives, Louisiana State University, Baton Rouge, Louisiana. The collection includes 1236 items in eight boxes. Most of the material deals with the Kellogg's governorship, 1873-1877. The majority of the papers are petitions from citizens in various parts of the state asking for redress of grievances and for pardons for various persons under conviction or in prison, extradition papers for persons sought by other states as fugitives from justice, and letters of a political nature from various parishes requesting the appointment or dismissal of district or parish officials. The only personal letter of Kellogg is one to B. F. Flanders, mayor of New Orleans, written in 1872. A copy of the telegram to Grant on September 15, 1874, is found in the collection, in addition to other state documents of the period. There are numerous letters from various citizens throughout the state advising the governor of the conditions and requesting favors. For use in evaluating Kellogg as the man, the collection is useless, but as an indication of the nature of the times it is valuable.

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## JENNINGS, FIRST LOUISIANA SALT DOME POOL

By GERALD FORBES

The salt domes of the Gulf Coast were important long before the voyage of Columbus. The salt attracted animals which were followed by the Indians, who liked both the minerals and the hunting. During the Civil War, the gentle mounds were a principal source of salt for the blockaded Southerners. The salt industry had developed by the close of the century. Then, in 1901, came the dramatic oil well on the Spindletop salt dome in Texas. Excitement swept in all directions from Spindletop, launching the coastal oil industry. One of the resulting significant wells disclosed the Jennings Pool in nearby Louisiana. Not unlike other early discoveries, the Jennings Pool became something of a geological classroom in the study of salt domes. Therein lay much of its importance, although like other salt domes, it produced abundantly for a long time as new horizons were found.

On the Jennings knoll, in Acadia Parish, a spring bubbled with escaping natural gas. It was nearby that the Heywood Brothers, oil operators at Spindletop, drilled for the Jennings Oil Company in 1901. Trouble with that well first occurred when the casing was lost in the hole at about three hundred feet. In August, when the hole was more than eighteen hundred feet deep, the gas and oil blew out. The well was wild for about seven hours before it was choked up with loose sand.<sup>1</sup> This well, however, despite the financial loss, substantiated the theories that the little hill contained oil, and more drilling followed.<sup>2</sup> Two other wells were drilled nearby with little success except that one found oil and choked.<sup>3</sup>

It took more than choked wells to discourage the Heywood Brothers. A flamboyant full-page advertisement appeared in the New Orleans *Picayune* adorned with photographs of all four brothers—Alba, W. Scott, Dewey and O. W. The Heywood Brothers Oil Corporation of Jennings, Louisiana, U. S. A. (so

<sup>1</sup> United States Geological Survey, *Mineral Resources of the United States, 1901* (Washington, 1902), 564, (hereafter cited *Mineral Resources*); G. D. Harris, *Oil and Gas in Louisiana, with a Brief Summary of Their Occurrence in Adjacent States*, United States Geological Survey, *Bulletin 429* (Washington, 1910), 50-53, (hereafter cited *Bulletin 429*).

<sup>2</sup> *Mineral Resources, 1901*, 504; Walter A. Ver Wiebe, *Oil Fields in the United States* (New York, 1930), 397-400.

<sup>3</sup> Donald C. Barton and R. H. Goodrich, *The Jennings Oil Field, Acadia Parish, Louisiana*, *Bulletin of the American Association of Petroleum Geologists*, X, No. 1 (Chicago, 1926), 72-73, (hereafter cited Barton).

said the advertisement), announced a sale of stock. The firm was capitalized at an even million dollars with shares at one dollar par value. In this promotional campaign, the brothers wanted to raise only \$12,500 by selling 25,000 shares for fifty cents each. The advertisement called attention to the Heywood property at Beaumont, Jennings, Anse la Butte, and Bayou Bouillon. Two wells were being drilled and the Heywood Oil Company of Beaumont had paid \$128,000 to shareholders during the last year. Among its assets, the corporation boasted of thirty steamers and barges on the Mermentau River, with which to move petroleum from Jennings, as well as rice in season. It would not be long that the same transportation could serve both petroleum and rice. As a further inducement, the Heywoods distributed pictorial booklets to prospective buyers.<sup>4</sup>

The fourth well drilled at Jennings became a financial success in June, 1902.<sup>5</sup> It was described as a gusher that threw oil one hundred feet into the air.<sup>6</sup> These developments were sufficient to foster additional expenditures. By the end of August the young Jennings oil industry had a refinery which had processed one hundred gallons of petroleum. Storage also had become a problem. The operators at Jennings had seen the terrible flood of oil at Spindletop and had made some preparation for storing their oil. Two tanks with 37,000 barrels capacity were being shipped to Jennings and two 50,000-barrel reservoirs had been purchased.<sup>7</sup> Such excitement could not fail to be contagious, causing outbreaks at neighboring communities. About a dozen miles away at Welsh, a well was completed with a gas pressure great enough to inflate land prices to \$1,500 an acre.<sup>8</sup> Likewise at Anse la Butte, forty miles to the east, a year's work by the Moresi Brothers resulted in a successful oil well.<sup>9</sup>

Jennings' fame was great enough to attract a number of men from outside Louisiana and the Gulf Coast region. Little local talent was represented in the Louisiana Standard Oil and Pipe Line Company, which was organized in the summer of 1902. It was capitalized at half a million dollars, with owners generally residing in Illinois. Two of the men of the Louisiana Standard

<sup>4</sup> *Daily Picayune* (New Orleans, 1837-1914), XXXIX, No. 16,517, Sept. 1, 1902, Part 4, p. 5.

<sup>5</sup> Barton, 72-73.

<sup>6</sup> *Daily Picayune*, XXXIX, No. 16,528, Sept. 12, 1902, p. 3.

<sup>7</sup> *Ibid.*, XXXIX, No. 16,506, Aug. 21, 1902, p. 2.

<sup>8</sup> *Ibid.*, XXXIX, No. 16,500, Aug. 15, 1902, pp. 2-3.

<sup>9</sup> *Ibid.*, XXXIX, No. 16,491, Aug. 6, 1902, p. 7.



began operations at Jennings immediately.<sup>10</sup> This company was destined to play a leading part in the Louisiana oil industry for decades.

Transportation of the oil to markets, always a problem at a new pool, took a freak turn at Jennings. Some railway tank cars were owned by the oil companies using them, and a considerable number belonged to operators at Beaumont. Some of these tank cars, having emptied their Texas crude, were being returned through Jennings where the storage facilities were becoming congested. Exactly what happened is not a matter of record. The Texas operators accused the men at Jennings of diverting the returning tank cars and sending them back to the refineries laden with Louisiana petroleum. Actually one Texas tank car was discovered on a Jennings siding, tending to support the accusations.<sup>11</sup> The storage difficulties at Jennings were not as great as had been the case at Spindletop. Some of the operators had arranged for transportation before completing their wells. The Heywoods with their barges and steamers on the Mermentau River were a case in point. Many consumers bought the oil at the wells for thirty to forty cents a barrel and supplied their own transportation.<sup>12</sup> The rice growers who bought oil for fuel purposes and in relatively small amounts were purchasers of this sort.

Jennings was very near the Southern Pacific Railroad, and as early as the summer of 1902, the railroad carried Jennings oil to market. Increased production in the entire coastal region brought a curious complaint from the railroad by 1905. The railway felt certain that its tank cars were being used as temporary and auxiliary storage tanks; consequently it wanted to increase the demurrage rate to five dollars a day.<sup>13</sup>

Drilling at Jennings, as at Spindletop, was done with the rapidly developing rotary tools. Oil drilling previously had been chiefly with the cable or churn type of tools. But the caving proclivities of the unconsolidated formations on the Gulf Coast constituted a great handicap to the churn method. The rotary type of tools had been used at Spindletop, as well as in seeking salt in Louisiana.<sup>14</sup> The rotary drill consisted of a revolving

<sup>10</sup> *Ibid.*, XXXIX, No. 16,501, Aug. 16, 1902, p. 7.

<sup>11</sup> *Ibid.*, XXXIX, No. 16,491, Aug. 6, 1902, p. 7.

<sup>12</sup> *Bulletin* 429, 54.

<sup>13</sup> *Oil Investor's Journal* (Beaumont, 1902-1910), IV, No. 9, Oct. 3, 1905, p. 10.

<sup>14</sup> Reed Sayers McBeth, *Oil—The New Monarch of Motion* (New York, 1919), 86.

vertical rod, through which water was forced downward under pressure. The cutting tool varied in style. One type was a modified wedge, known as the fish tail, which was successful in soft formations. For harder structures the bit might be a revolving cone covered with steel teeth. In very hard formations, the cutting was done by a quantity of steel balls which rotated under pressure. The water which was forced down the drill stem served to bring the cuttings to the surface, unless a porous stratum absorbed the liquid. In that case, clay was mixed with the water to form a thin mud which would not be absorbed readily.<sup>15</sup> The general softness of the formations at Jennings made wells easy to drill. The difficulties followed because in that loose material the rock particles moving under the pressure of the oil and gas soon choked the wells. The clogging could be overcome partly through the use of a screen or a perforated joint of casing.<sup>16</sup>

Despite the fact that overproduction drove the market price of petroleum down to forty-one cents a barrel in 1902,<sup>17</sup> it was a year of excitement at Jennings. The Hogg-Swayne Syndicate paid \$80,000 for the treasury stock of the Crowley Oil and Mineral Company, with a cash deposit of \$25,000. Officials of the Southern Pacific Railroad visited the town, and the rumor followed that they planned to lay more trackage.<sup>18</sup> Almost as interesting was the franchise of the Jennings Heywood Oil Syndicate to lay a pipe line four and a half miles long.<sup>19</sup> The largest crude oil sale yet recorded at Jennings was the transaction of June, 1902, by which the Southern Oil Company disposed of 12,000 barrels to a New Orleans buyer.<sup>20</sup> Sugar refineries and other coastal factories, as well as the Mississippi river boats, used Jennings oil instead of coal for fuel.<sup>21</sup> Nearly a dozen wells were flowing, being pumped, about to be pumped, or being drilled at Jennings when the year closed. The oil was considered superior to that produced at Spindletop. The year 1902 marked the beginning of commercial oil production in Louisiana, with an approximate output of 548,617 barrels valued at \$188,985.<sup>22</sup>

<sup>15</sup> C. W. Hayes and William Kennedy, *Oil Fields of the Texas-Louisiana Gulf Coastal Plain*, United States Geological Survey, *Bulletin 212* (Washington, 1903), 166-169, (hereafter cited *Bulletin 212*).

<sup>16</sup> *Mineral Resources, 1902*, 567-568. There was a report that a pipe line was worn out by the great quantity of sand swept along in the oil.—*Oil Weekly* (Houston, 1916—), XV, No. 3, Oct. 18, 1919, p. 89.

<sup>17</sup> *Oil and Gas Journal* (Tulsa, 1910—), (Jubilee Edition), Aug. 27, 1934, p. 107.

<sup>18</sup> *Daily Picayune*, LXVI, No. 132, June 5, 1902, p. 7.

<sup>19</sup> *Ibid.*, LXVI, No. 139, June 12, 1902, p. 7.

<sup>20</sup> *Ibid.*, LXVI, No. 141, June 14, 1902, p. 6.

<sup>21</sup> *Mineral Resources, 1902*, 568.

<sup>22</sup> *Ibid.*, 535-536, 567-568.

Jennings was developed further during 1903, when the Louisiana production nearly doubled in quantity. The record of 917,771 barrels, valued at \$416,228 at an average price of more than forty-five cents a barrel, was reached. Despite the increase in production and the value of the Louisiana oil in 1903, the comparative national standing of the state declined in both categories from the rank of the previous year.<sup>23</sup>

The production of the Jennings Pool sprang to a high point in 1904, however, as the result of two very prolific wells. One was the Bass and Benckenstien, completed in two weeks by September 8, a feat for which the drillers received a bonus of \$500. With an initial production of 16,000 barrels, and an average of 11,228 barrels daily, the Bass and Benckenstien had yielded 1,280,000 barrels by the close of the year. One observer looked on that as the greatest showing "ever made by a well on this continent." Because it had become choked several times, the Bass and Benckenstien did not flow continuously during the 114 days until the end of the year.<sup>24</sup>

The other great producer of 1904, the Wilkins No. 2, yielded 1,386,105 barrels in five months, a daily average of 9,761 barrels for 142 days. Its initial flow was 1,000 barrels an hour.<sup>25</sup> By the time the well was a year old, it had produced 2,200,000 barrels of oil and was continuing at a daily rate of 2,000 barrels.<sup>26</sup> By the close of 1906 the total output of the Wilkins No. 2 was more than 2,674,121 barrels.<sup>27</sup> Several other significant producers were drilled.<sup>28</sup>

With forty producers in operation,<sup>29</sup> the well owners were forced to resort to earthen reservoirs for storage in 1904. These tanks, which had many serious faults, cost only three to five cents a barrel to build. With crude oil prices low, the storage cost was an important consideration. Thirty-one reservoirs, with a capacity of 5,685,000 barrels, contained more than four million barrels before the end of the year.<sup>30</sup> A disastrous demonstration of the faults of earthen storage came in the form of a fire late in August. Four wells were burned, and the forces of the entire

<sup>23</sup> *Ibid.*, 1903, 641-642.

<sup>24</sup> *Oil Investor's Journal*, III, No. 67, Jan. 1, 1905, p. 5.

<sup>25</sup> *Ibid.*, III, No. 75, May 3, 1905, p. 10.

<sup>26</sup> *Ibid.*, IV, No. 13, Dec. 3, 1905, p. 4.

<sup>27</sup> *Ibid.*, V, No. 15, Jan. 3, 1907, p. 6.

<sup>28</sup> *Daily Picayune*, XLI, No. 17,221, Aug. 5, 1904, p. 10; No. 17,226, Aug. 10, 1904, p. 13; No. 17,331, Nov. 24, 1904, p. 3.

<sup>29</sup> *Mineral Resources*, 1904, 708-709.

<sup>30</sup> *Oil Investor's Journal*, III, No. 67, Jan. 1, 1905, pp. 4-5.



Jennings Pool were organized to fight the flames. Ten boilers were placed at the four sides of the fire to force water and steam on the blaze.<sup>31</sup>

By the close of 1904 a series of dry holes appeared to outline the Jennings Pool which now covered about one hundred acres.<sup>32</sup> Nearly one hundred wells, most of them producers, had been drilled.<sup>33</sup> In little more than two years, the pool had become one of the chief producers of the Southwest, leading the Louisiana output with a daily flow of about 60,000 barrels.<sup>34</sup> The production had increased 220.5 per cent in a year, while 2,941,419 barrels of oil had been sold for \$1,068,605. In storage there remained 3,670,000 barrels.<sup>35</sup>

While the Jennings production more than tripled in 1905, reaching a total of 8,891,416 barrels (the total for 1904 had been 2,923,066), the revenue failed to show a proportionate increase. The value in 1904 had been \$1,049,144, which rose to \$1,589,825 in 1905.<sup>36</sup> There was a decline in the use of fuel oil that summer, which may be explained in part by an outbreak of yellow fever.<sup>37</sup> One of the chief uses of the Jennings oil was as fuel for the water pumps of the rice fields of the region. The Southern Pacific locomotives had started burning the oil also. The little refinery at Jennings manufactured kerosene, cylinder oil, and asphalt for roofing and roofing paint.<sup>38</sup>

A great improvement in the Jennings transportation problem took place in 1905 when the first barge was loaded on the Atchafalaya River, May 27. That barge was loaded with crude oil from the Carnes, Bass and Benckenstien pipe line thirty miles long.<sup>39</sup> The pipe line had a daily transporting capacity of about six thousand barrels, and had the effect of opening an entirely new market for Jennings petroleum. The laying of that pipe was no small engineering feat, since much of it was in five to ten feet of swamp water. Three pumping stations moved the oil because the terrain was too flat for gravity to help.

<sup>31</sup> *Daily Picayune*, XLI, No. 17,243, Aug. 27, 1904, p. 10.

<sup>32</sup> N. M. Fenneman, *Oil Fields of the Texas-Louisiana Gulf Coast*, Bulletin 260, in *Contributions to Economic Geology*, S. F. Emmons and C. W. Hayes (eds.), 459-461 (Washington, 1905), (hereafter cited *Bulletin 260*).

<sup>33</sup> N. M. Fenneman, *Oil Fields of the Texas-Louisiana Gulf Coastal Plain*, United States Geological Survey, Bulletin 282 (Washington, 1905), 101, (hereafter cited *Bulletin 282*).

<sup>34</sup> *Bulletin 260*, 459-461.

<sup>35</sup> *Mineral Resources*, 1904, 676, 681, 682.

<sup>36</sup> *Ibid.*, 1905, 873.

<sup>37</sup> *Oil Investor's Journal*, IV, No. 8, Sept. 18, 1905, p. 3.

<sup>38</sup> *Bulletin 282*, 95.

<sup>39</sup> *Oil Investor's Journal*, IV, No. 1, June 3, 1905, p. 2.

Since the owners of the pipe line, however, also owned a great deal of the Jennings production, they principally transported their own crude oil.<sup>40</sup> Control of this important artery for marketing naturally gave the company great power and influence over the entire Jennings Pool, at a time when millions of barrels of crude was held in earthen storage. Another pipe line, however, was completed to Lake Charles in the spring of 1906.<sup>41</sup> About that time the Louisiana Legislature enacted a law which made pipe lines common carriers,<sup>42</sup> which was a step in giving all the producers an outlet to the market.

Production of Jennings increased to 9,077,528 barrels in 1906,<sup>43</sup> but salt water, the pervading bogey of all oil fields, became a menace that year. In May and June the output struck a new high point of more than a million barrels monthly when five good wells were completed.<sup>44</sup> Those wells soon were pouring out a flood of salt water, however, and the oil productin dropped to a little more than half a million barrels monthly. The fear that all the wells would turn to brine was current, only to be discounted by experienced men.<sup>45</sup> The decline in output, partly a result of the dissipation of natural pressure, received attention. A large air compressor, costing \$100,000,<sup>46</sup> was erected for the purpose of reviving the well pressures. As a result some of the wells that had been flowing large quantities of salt water were restored to daily productions of 300 to 2,000 barrels of oil.<sup>47</sup> During that year (1906), seventy-one wells were completed and forty-eight of them produced oil.<sup>48</sup>

While the surrounding rice growers complained of the salt water in the bayous and canals, the Jennings production declined in 1907. Definitely the flush, boom period of the pool had passed, but the price of crude oil increased to one dollar a barrel.<sup>49</sup> Thus, despite the precipitous decline from 9,025,174 to 4,895,905 barrels, the value of the petroleum rose from \$3,525,879 to \$3,982,043 in 1907.<sup>50</sup> Impressive for its accuracy was a geological estimate of the Jennings Pool in 1908. G. D. Harris of the Louisiana

<sup>40</sup> *Ibid.*, IV, No. 2, June 18, 1905, pp. 4, 10-12.

<sup>41</sup> *Ibid.*, IV, No. 20, March 18, 1906, p. 6.

<sup>42</sup> *Ibid.*, V, No. 3, July 3, 1906, p. 21; Act No. 36, June 26, 1906, General Assembly of Louisiana, 1906.

<sup>43</sup> *Mineral Resources, 1906*, 830.

<sup>44</sup> *Daily Picayune*, LXX, No. 247, Sept. 28, 1906, p. 2; *Mineral Resources, 1906*, 871.

<sup>45</sup> *Oil Investor's Journal*, V, No. 9, Oct. 3, 1906, p. 12.

<sup>46</sup> *Daily Picayune*, LXX, No. 276, Oct. 27, 1906, p. 7.

<sup>47</sup> *Oil Investor's Journal*, V, No. 15, Jan. 3, 1907, p. 5.

<sup>48</sup> *Mineral Resources, 1909*, II, 369.

<sup>49</sup> *Bulletin* 429, 55-56.

<sup>50</sup> *Mineral Resources, 1907*, II, 404.

Geological Survey wrote: "So far as easily obtainable new production is concerned, the Jennings Field is not promising."<sup>51</sup> The production and significance of the Jennings Pool decreased to a point that in 1916 a well with only an initial flow of 185 barrels was looked on with some pride.<sup>52</sup>

A resume of twenty-five years ending in 1926 disclosed there had been a total of forty-five gushers, two of which were credited as 20,000 to 60,000-barrel producers. A dozen of the wells had been in the 4000-barrel bracket, while the remaining big ones were distributed between those extremes. The two greatest producers were the Bass and Benckenstien and the Wilkins No. 2. By 1926 the average acre cumulative yield for the entire pool was 135,000 barrels, a very high output, of which more than eighty per cent had come from the choice 120-acre heart of the pool. The average for the best part of the pool was between 300,000 and 340,000 barrels an acre.<sup>53</sup>

It should be noted that in his accurate prediction about the Jennings Pool, Dr. Harris had used the words "easily obtainable". He had not declared that Jennings would never again be a good producer. Where the early drillers rarely went beyond two thousand feet, the year 1929 inaugurated the era of deep holes. The Yount-Lee Oil Company proved that the prolific days of the Jennings salt dome surely had not ended. In June that company completed the deepest well in the Louisiana-Texas Gulf Coast area. It was 7,390 feet and produced 4,400 barrels a day through a three-eighths-inch choke.<sup>54</sup> The implications of that well were great, especially since it came at a time when the pool was yielding only half a million barrels of oil annually.<sup>55</sup>

The Yount-Lee Company completed another well in 1931, this time going more than one thousand feet deeper to a total of 8,900 feet.<sup>56</sup> Other companies followed the example of deep drilling. A cumulative resume in 1934 showed that 50,829,208 barrels of oil had been taken from an area of 235 acres, but the average daily production then was only 1,448 barrels.<sup>57</sup> During

<sup>51</sup> *Bulletin* 429, 60.

<sup>52</sup> *Mineral Resources*, 1916, II, 822.

<sup>53</sup> Barton, 85, 87, 89.

<sup>54</sup> *Times-Picayune* (New Orleans, 1914—), XCIII, No. 131, June 4, 1929, p. 8.

<sup>55</sup> Charles B. Eliot, *Petroleum Industry of the Gulf-Southwest*, United States Department of Commerce, Bureau of Foreign and Domestic Commerce Series No. 44, Part II of the Commercial Survey of the Gulf-Southwest (Washington, 1931), 23.

<sup>56</sup> *Oil Weekly*, LXXIV, No. 5, July 16, 1934, p. 67.

<sup>57</sup> B. C. Craft, "Oil and Gas Development in Louisiana," American Institute of Mining and Metallurgical Engineers, *Transactions*, CXIV (New York, 1935), 321.



the history of the pool 627 wells had been drilled—of these 110 only had been dry. By 1935 there were 475 wells that had been abandoned, and forty-two that were producing.<sup>58</sup>

On a lease of 670 acres, assembled by W. B. and W. V. Conover from more than one hundred owners (hence the name "Community"), the Shell Petroleum Corporation drilled the No. 1 Conover Community well in 1936. That well was completed in June at more than 7,500 feet on the south flank of the Jennings dome.<sup>59</sup> It produced 226 barrels initially through a 16/64-inch choke, but its significance lay in the fact that it extended the pool two thousand feet.<sup>60</sup>

By 1937, thirty-one years after the pool reached its peak of production, petroleum was being obtained from several horizons, above and in the cap rock and on the flanks of the salt dome.<sup>61</sup> The drilling reached a depth of 10,766 feet in 1942.<sup>62</sup> By 1942, there were 120 wells drilled to the producing horizon that had been discovered by the Shell No. 1 Conover Community well in 1936.<sup>63</sup> By the close of 1943 the discoveries had extended the pool to more than eight hundred acres, with a total production of more than 84,108,000 barrels of oil. In addition to the oil, the pool was then producing a great quantity of gas.<sup>64</sup> It was estimated that ultimately the Jennings Pool would produce about 120,000,000 barrels of petroleum.<sup>65</sup>

The great productivity of the Jennings wells formed only a part of the significance of the pool because the area had revealed a great deal of geological information. It was one of the earliest of the salt dome pools;<sup>66</sup> therefore it played an important part in later coastal oil developments. One difficulty however, was the fact that records or samples of the formations encountered were not saved by the early drillers.<sup>67</sup> It was believed in 1902 that the

<sup>58</sup> National Oil Scouts Association, *Yearbook*, 1936 (No place of publication), 14.

<sup>59</sup> *Times-Picayune*, C, No. 154, June 27, 1936, p. 10.

<sup>60</sup> *Oil and Gas Journal*, XXXV, No. 7, July 2, 1936, pp. 65-66; *Oil Weekly*, LXXXII, No. 4, July 6, 1936, p. 65.

<sup>61</sup> Department of Conservation, State of Louisiana, *Thirteenth Biennial Report*, 1936-1937 (New Orleans, 1938), 237-238.

<sup>62</sup> J. Huner, Jr., "Petroleum Development and Production in Louisiana During 1942," American Institute of Mining and Metallurgical Engineers, *Transactions*, CLIV (New York, 1943), 379.

<sup>63</sup> C. B. Roach, *Subsurface Study of Jennings Field, Acadia Parish*, American Association of Petroleum Geologists, *Bulletin* XXVII, No. 8, p. 1102. (Hereafter cited Roach).

<sup>64</sup> J. Huner, Jr., L. C. Aycock, P. M. Lyons, "Petroleum Production in Louisiana for 1943," American Institute of Mining and Metallurgical Engineers, *Transactions*, CLV (New York, 1944), 370; L. P. Teas, "Natural Gas of the Gulf Coast Salt Dome Area," in *Geology of Natural Gas*, H. A. Ley (ed.) (London, 1935), 718.

<sup>65</sup> Roach, 1102.

<sup>66</sup> The salt dome oil discoveries at both Spindletop and Sour Lake in Texas antedate the Jennings Pool.—Roach, 1102.

<sup>67</sup> G. D. Harris, *A Report on the Geology of Louisiana, 1900, 1901, 1902*, Louisiana Geological Survey, *Bulletin* 8 (Baton Rouge, 1902), 268-270.

petroleum had been found on the crest of a deeply buried anticline although there were no well logs for geological study. Tending to contradict the anticline theory, however, was the knowledge of the "salt islands" of Louisiana. These salt deposits had been worked for years before oil was found in the Gulf Coast region. Geologists had studied them to some extent and reported that these domes did not appear to have been formed by lateral compression, as had the anticlines of the Appalachian area.<sup>68</sup>

Continued drilling at Jennings disclosed that the formations dipped sharply in all directions from the center of the pool, which was a slight surface uplift between two bayous, Nezpique and des Cannes, which are only about four miles apart.<sup>69</sup> Unlike the production at Spindletop, which came from limestone, the oil at Jennings was found in sand.<sup>70</sup>

An explanatory theory, of doubtful influence on the oil industry, of the mounds was developed in 1904 by the United States Geological Survey. Oil men were not yet convinced of the practical value of geology. The theory held that the mounds had been caused by some upward exertion from beneath the earth's surface. The originator of the idea, moreover, went so far as to hazard the guess that the Gulf Coast might contain numerous formations similar to that at Jennings. In many instances, according to this geological writer, erosion had erased the slight hill, or surface indication of the mound.<sup>71</sup> The beginnings of such erosion were evident at Jennings. In essence, this was the salt dome theory which later was developed in considerable detail.

The first of a series of "deepest" wells was drilled to 2,500 feet at Jennings in 1905. It made a geological contribution, however, by emphasizing the rapid dipping of the producing horizon.<sup>72</sup> Attempts to correlate the well logs so as to explain the dips and folds were failures, partly because of the inconsistency in the layers of clay, sand gravel and shells.<sup>73</sup> The United States Geological Survey in its annual report printed a description of the coastal salt domes in 1907, but that statement varied little from the government bulletin of three years before.<sup>74</sup> Actually

<sup>68</sup> *Bulletin* 212, 127-129. For contrary reasoning see C. W. Hayes, *Contributions to Economic Geology, Bulletin* 213 (Washington, 1903), 345-346.

<sup>69</sup> *Bulletin* 212, 129; *Bulletin* 282, 94.

<sup>70</sup> *Bulletin* 260, 465.

<sup>71</sup> *Ibid.*, 466-470.

<sup>72</sup> *Oil Investor's Journal*, III, No. 72, March 18, 1905, p. 4.

<sup>73</sup> *Bulletin* 282, 98-100.

<sup>74</sup> *Mineral Resources*, 1907, II, 393; the reference is to *Bulletin* 260.

the salt dome at Jennings had not been found because of its great depth, but the abundance of salt water was taken as proof that the saline rock was present.<sup>75</sup> The cap rock itself was not wholly penetrated until after 1926, when Jennings was proved to be a true salt dome.<sup>76</sup>

As more geological study was carried out in the entire coastal region, it was concluded by 1908 that at one time a great bay, probably two hundred miles or more wide, had covered the continent as far north as southern Illinois. This bay gradually had been filled while crustal movements had left faults and displacements. The domes, with nuclei of crystalline salt, gypsum, sulphur, anhydrite, or crystalline limestone, had been thrust upward at the faults or places of weakness. As those substances had been crystallized from warm supersaturated solutions, they were believed to have exerted great force. They bulged upward into domelike formations. In its upward movement, if the crystalline cone encountered a formation that was impervious to petroleum, the oil probably would be found under the cap of the dome. On the contrary, if the cap rock were porous, it was unlikely that the oil would remain there. The cone in its upward movement probably created traps for oil along its sides also by tilting both the porous and the impervious formations. Thus as early as 1908, a geologist suggested that oil might be found at the sides of the Jennings salt dome as well as on the top.<sup>77</sup>

By 1922, when the richest acres of the Jennings Pool had produced the phenomenal total of 223,395 barrels of oil, the theory was accepted that petroleum could be found at three levels with respect to a salt dome. The oil might be above the cap rock, in the cap rock, or in the sharply tilted sand on the sides of the dome.<sup>78</sup> By that time forty salt domes had been discovered in Louisiana and Texas, while from twenty-one of them oil had been taken.<sup>79</sup> Study of those pools, as well as the geological peculiarities of the Jennings dome, continued. By 1928 the Yount-Lee

<sup>75</sup> G. D. Harris, *Rock Salt and Its Origin, Geological Occurrences and Economic Importance in the State of Louisiana*, Louisiana Geological Survey, Bulletin 7 (Baton Rouge, 1908), 34, 76.

<sup>76</sup> M. T. Halbouty, *Geology and Geophysics of the Southeast Flank of Jennings Dome, Acadia Parish, Louisiana, with Special Reference to Overhang*, American Association of Petroleum Geologists, Bulletin IX, No. 9 (Menasha, Wisconsin, 1935), 1308. (Hereafter cited Halbouty).

<sup>77</sup> Bulletin #29, 6-9; G. D. Harris, "The Geological Occurrence of Rock Salt in Louisiana and East Texas," *Economic Geology*, IV, No 1, January-February, 1909, p. 21.

<sup>78</sup> Alexander Deussen, "Salt Domes of Louisiana and Texas," *Oil Weekly*, XXIV, No. 4, January 21, 1922, pp. 11, 16, 18.

<sup>79</sup> Alexander Deussen, "Oil Development in Gulf Coast Fields and Its Significance," *Oil and Gas Journal*, XXI, No. 40, March 1, 1923, p. 100.



Oil Company had assembled leases on the southeast, northeast and west flanks of the Jennings dome. That company drilled fourteen wells, the deepest of which was 8,903 feet, into a new producing horizon on the east.<sup>80</sup> Before that time Jennings had produced chiefly from a horizon about 1900 feet deep, which was above the top of the dome.

Although the origin of salt domes continued to be a moot topic, in 1932, the Jennings dome was studied with the seismograph. On the east flank seismograph recordings were made every 250 feet for the first four thousand feet, then at intervals of one hundred feet for the next thousand. Below five thousand feet the recordings were two hundred feet apart. The seismograph proved that on the southeast flank the salt dome was shaped like a mushroom, with an overhanging top about nine hundred feet thick. That overhanging top, of course, might consist of both limestone and salt. It was between five and six thousand feet below the surface, and the scientists believed it might protrude horizontally as far as one thousand feet.<sup>81</sup> Additional geophysical work followed. The information contributed to the drilling and geological discoveries of 1935-1936.

By 1935 this drilling on the flanks had produced more than a million barrels of petroleum.<sup>82</sup> In 1936, the big oil companies owning territory at Jennings were the Stanolind, Shell and the Superior. Since these three were the chief owners of the entire field, they accumulated a great deal of geological knowledge of the Jennings dome.<sup>83</sup> At the end of an intensive drilling campaign in 1936, twenty-nine new producers had been completed. That made a total of forty wells which were yielding oil from four sands on the side of the central salt cone.<sup>84</sup> This same year (1937), another area was opened when the Superior Oil Producing Company's Leckelt No. 1 flowed 278 barrels in twelve hours through a 11/64-inch choke from the west side of the flank of the dome. Other oil companies drilled nearby following this discovery.<sup>85</sup>

Cavities formed another peculiar difficulty of the salt dome wells. Several theories were formulated to explain these caverns which had to be filled before the drilling could proceed. These

<sup>80</sup> Halbouty, 1309-1310.

<sup>81</sup> *Ibid.*, 1314-1315, 1328.

<sup>82</sup> *Ibid.*, 1309-1310.

<sup>83</sup> National Oil Scouts Association, *Yearbook*, 1937 (No place of publication), 12.

<sup>84</sup> Department of Conservation, State of Louisiana, *Thirteenth Biennial Report*, 1936-1937, pp. 237-238.

<sup>85</sup> *Oil Weekly*, LXXXVIII, No. 4, Oct. 5, 1936, p. 72; *Oil and Gas Journal*, XXXV, No. 21, Oct. 8, 1936, pp. 62, 74.

caves could cause troubles such as crooked holes or loss of the casing and tools. One of the most troublesome was the cavity encountered in 1939 by the Shell Petroleum Corporation's No. 7 Conover Community well. No particular difficulty was experienced with that well until the first cave was struck at 3,412 feet. Into this large hole and later ones, the drillers dumped ordinary cements and muds. Into it also went 1,475 bales of fibrotex, forty-nine sacks of aquajel, two hundred sacks of cotton seed, eighty sacks of rice bran, twenty-one tons of sawdust, 5,444 burlap bags, not to overlook a large quantity of mica and cotton sacks. Ultimately this devouring well was completed at 7,704 feet with a flow of 423 barrels through a 12/64-inch choke.<sup>86</sup>

Late in the 1930's more than 130 salt domes had been found in the Gulf Coast region, with about half of them in southern Louisiana. Much of the knowledge of them had come from the Jennings Oil Pool. The salt domes were roughly cylindrical and usually less than a mile in diameter. Some of them were near the surface, while the tops of others were 9,000 feet deep. Many of them were capped with rock, generally a coarsely crystalline anhydrite. In addition to petroleum, these salt dome cap rocks formed the world's chief supply of sulphur.<sup>87</sup>

Briefly the Jennings Pool began contributing to geological knowledge soon after its discovery. Before 1929 the oil production was from the super-cap rock sands. In 1929 petroleum was found on the flanks of the salt cone. That was followed in 1936 by active development of the deep flank structures which produced oil at six intervals.<sup>88</sup> Out of that recent drilling campaign came the pool's second peak producing period. The first annual peak output was 9,025,174 barrels in 1906,<sup>89</sup> with a general decline from that point until 1929, when a revival brought the year's total up to 515,000 barrels. After that, the flank drilling campaign of 1936 raised the production until the aggregate for 1939 reached 8,119,000.<sup>90</sup>

<sup>86</sup> Neil Williams, "Shell Overcame Caving to Bring in Coastal Well," *Oil and Gas Journal*, XXXVIII, No. 30, Dec. 7, 1939, p. 55.

<sup>87</sup> Four salt dome theories are discussed in Ver Wiebe, *Oil Fields in the United States*, 417. Also consult Ralph E. Taylor, *Origin of the Cap Rock of Louisiana Salt Domes*, Louisiana Department of Conservation, *Geological Bulletin 11* (New Orleans, 1938), 1, 5, 6.

<sup>88</sup> Briefly a geologist would say that in 1901 the upper Miocene sand production was found. In 1929 the flank drilling revealed oil in the Oligocene *Marginulina*-Frio sands. Active development of the deep *Marginulina*-Frio came in 1936, disclosing six sand intervals capable of yielding petroleum or gas, but those called the Leckelt and the Heywood were most prolific. From the Arnaudet, Robera and Clement sands the production was chiefly gas.—Roach, 1102.

<sup>89</sup> *Mineral Resources*, 1913, II, 1056.

<sup>90</sup> *Ibid.*, 1939, II, 945.

The story of the Jennings Pool, one of the first coastal salt domes, has not ended, nor can the last chapter be written until all the possible producing zones have been explored. Since that pool's discovery the characteristics of salt domes have been disclosed through a great fund of geological information. The first two decades of the pool's producing life were not unlike the history of many oil fields. There was the early flush time of excitement and booming bustle. Then followed the long slow decline, a stage which marks the approaching abandonment of many oil pools. At Jennings, however, the decreasing production was halted when the deeper horizons were opened. In addition to its significance as an early salt dome pool, Jennings played a part in the development of the rotary drill and the screen.



**INDEX TO THE SPANISH JUDICIAL RECORDS OF  
LOUISIANA  
LXXXIII.**

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**June, 1785**

(Continued from January, 1946, Quarterly)

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By **LAURA L. PORTEOUS**  
(With Marginal Notes by Walter Prichard)

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Spanish officials appearing in this installment:

Esteban Miró, Colonel of the Fixed Regiment and Governor and  
Intendant General of the Province of Louisiana.

Juan Doroteo del Postigo y Balderrama, Auditor of War and  
Assessor General of the Province of Louisiana.

Alcades: Nicholas Forstall; Renato (René) Huchet de Kernion;  
Luis Toutant Beauregard; Guido Dufossat (1781); Josef de  
Orué (1786); Pedro Chaver (1787).

Escribanos: Rafael Perdomo; Fernando Rodriguez; Leonardo  
Mazange (1781); Pedro Pedesclaux (1788).

Public Attorneys: Pedro Bertoniére; Antonio Mendez; Francisco  
Broutin (1781).

Nicholas Fromentin, Deputy Sheriff.

Luis Lioteau, Official Taxer for costs of Court.

Esteban de Quiñones, Official Interpreter and Translator.

Francisco Sanchez, Warden of the Public Prison.

Joseph Labie, Surgeon of the Fixed Regiment of Louisiana.

Miguel Cantrelle, Commander at Cabahanoce (Lafourche).

June 1, 1785.

**Pedro Bahy, a free mulatto,  
vs. Esteban Le Blanc.**

No. 2984. 8 pp.

Court of Governor  
Esteban Miro.

Assessor,  
Juan del Postigo.

Escribano,  
Rafael Perdomo.

To collect a debt.

This suit to collect a debt illustrates the procedure followed when the defendant in such a suit resided in one of the posts distant from New Orleans. It also supplies information on the price of an African Negro slave at that period in Spanish colonial Louisiana.

The plaintiff petitions for a Writ of Execution.

which the Escribano attests. (Signed) Rodriguez.

Pedro Bahy, a free mulatto of this city, presents the above certified copy and sets forth that it is evident from the public written document filed above, that Esteban Le Blanc, a resident of the Coast of Cabanoce (La Fourche), owes him 450 pesos in silver; this debt is past due, and although he has reminded him several times, he has been unable to collect his money, therefore by executory rights in his favor he prays His Lordship for a Writ of Seizure to be issued against any or all of Mr. Le Blanc's property, up to the full extent of the debt, its one-tenth and costs, and he swears by God, Our Lord, and a Sign of the Cross, that the money is due him and has not been paid.

In a secondary petition, the plaintiff states that as the defendant lives in Cabanoce, he prays for a Writ of Despatch to be issued in due form and sent to Miguel Cantrelle, Commander there, so that he may enforce the payment of this sum.

Decree.

The written document having been presented by Pedro Bahy, let the Writ be issued in due form and sent to the Commander of the Post of Cabanoce, so that he may force Esteban Le Blanc,

The first entry is a certified copy of a Notarial Act of Sale, dated July 1, 1784, for a slave, which reads in part, that Pedro Bahy, a free mulatto of this city, sells to Esteban Le Blanc of La Fourche, a Congo Negress named Maria, aged 18 years, the same that he has bought from Carlos De Reggio on March 1st of the current year, by public written document executed before Fernando Rodriguez, Escribano del Numero of this city, sold as sound of health, without blemish and free of all mortgages and liens, for 450 pesos current money, which he must pay within eight months beginning to be counted from this day of date, namely July 1, 1784.

Written in the margin: This is presented by a party who says he does not know how to write, to

with all the rigor of Justice, to pay the 455 (450?) pesos, which, according to the Notarial Act, are due Pedro Bahy. Seize and sell his property at public auction, as the case may require, to satisfy the debt and all costs caused or that may be caused. Assessor's fees 12 reales. (Signed) Esteban Miro; Licenciado Postigo.

[**Translator's Note:**—The case is now transferred to the Commander of the Post of La Fourche, and nothing further is done in New Orleans.—L. L. P.]

June 1.

**Claudio Tremé vs.  
Pedro Miraval.**

No. 3130. 7 pp.

Courts of Alcalde  
René Huchet De Kernion  
and Governor Esteban Miro.

Assessor,  
Juan del Postigo.

Escribano,  
Fernando Rodriguez.

To collect a debt.

This simple suit to collect a debt represented by a note follows the usual procedure in such cases and contains no points of any special interest.

nion rules: The note having been presented, let the defendant swear and declare as requested.

The Escribano notified the defendant of the foregoing decree.

val in various parts of the city, and having met him, he said he knew all about the matter and would go to my office, to which I attest. (Signed) Rodriguez.

The plaintiff petitions to have the defendant appear.

Claudio Tremé alleges that the defendant was ordered to verify his note and signature, and although he was notified by the present Escribano, he has not done so, therefore he prays it may please the Court to order him to appear, and for this purpose to employ some Minister of Justice.

On page 1 there is a note to the effect that the defendant's note was originally filed here, which was returned to the plaintiff by decree of Esteban Miro, Governor and Intendant General of this Province, dated New Orleans, October 27, 1788. (Signed) Pedro Pedesclaux, Notary Public and Clerk of the Court.

Claudio Tremé avers that it is evident from the note duly presented, that Pedro Miraval owes him 1,200 pesos at date of maturity, and although he has reminded him many times, he has not been able to collect his money, therefore he prays the Court to order the defendant, under oath, to acknowledge the debt and verify his signature at the end of the note, and done, deliver his deposition to the plaintiff so that he may enforce his rights. Alcalde De Kernion rules: The note having been presented, let the defendant swear and declare as requested.

On the said day, month and year (June 1, 1785), I, the Escribano, state that I looked for Pedro Miraval in various parts of the city, and having met him, he said he knew all about the matter and would go to my office, to which I attest. (Signed) Rodriguez.



The Deputy Sheriff forced the defendant to appear, and make his declaration.

In the city of New Orleans, on the said day, month and year (June 3, 1785), I, the Escribano, by virtue of the commission conferred upon me, received Pedro Miraval's oath, which he made by God, Our Lord, and a Sign of the Cross, according to law, under charge of which he promised to speak the truth, and when shown the note presented on page 1, he said that the signature at the end of the note is his, and the one he is accustomed to make, and that as such he acknowledges that he owes the money specified therein, and he answered that this is the truth, under charge of his oath, and that he is 38 years old. He did not sign, to which the Escribano attests.

Note: Mr. Miraval was not willing to sign, and said that he was a man of honor and would pay when he could.

Fernando Rodriguez petitions for a taxation of the costs of the case.

Dated December 13, 1785, Fernando Rodriguez, Clerk of the Court, avers that a suit is being prosecuted by Claudio Tremé against Pedro Miraval to collect a debt, and as the Christmas vacation is almost here, he prays for a taxation of costs, to be paid by the party legally responsible. Alcalde De Kernion, on Assessor Postigo's advice, rules: Let the costs be taxed, and paid by Pedro Miraval.

Notification, acceptance and oath.

On the said day (December 13, 1785), the Escribano personally notified Louis Lioteau, who said he accepted and did accept, and swore to proceed well and faithfully with the taxation of costs.

Taxation of costs.

On December 23, 1785, Louis Lioteau taxes costs at 5 pesos 7 reales.

The plaintiff petitions for the return of the note.

Claudio Tremé states that he has prosecuted an executory suit against Pedro Miraval to collect 1,200 pesos, and whereas he has not been paid, he prays the Court to order the Escribano to return the note deposited in his office. Governor Miro, on Assessor Postigo's advice, rules: As it is prayed.

[Translator's Note:—On this ruling the original note is returned to the plaintiff, and the note inserted that begins this suit.—L. L. P.]

June 3.

**Executory Process.  
Luis Toutant Beauregard  
vs. Pedro Miraval.**

No. 93. 21 pp.

Court of Governor  
Estevan Miro.

Assessor,  
Juan del Postigo.

Escribano,  
Fernando Rodriguez.

To collect a debt.

This suit to collect the balance due on a note from the debtor's surety, after investigation revealed that the debtor was insolvent, represents the procedure followed in such cases. The surety, after acknowledging his obligation, did not pay the debt promptly, and three of his slaves were ordered seized under a Writ of Execution and sold at public auction. However, before this sale actually took place, the surety paid the debt, and also the costs of Court which were assessed against him.

The plaintiff petitions for a Writ of Execution.

Pedro Miraval owes him 1,307 piastres, the remainder of a larger debt and whereas he has reminded him several times to pay, at date of maturity, he has not done so, therefore he prays the Court to order the defendant to declare whether the signature at the end of the note is his, and when his declaration will have been made, deliver it to the petitioner so that he may enforce his rights. Governor Miro, on Assessor Postigo's advice, rules: The note having been presented, let the defendant swear and declare to its contents, as requested, entrust the taking of his deposition to the Escribano, and done, deliver it to the Plaintiff.

The defendant's deposition

In the city of New Orleans, on June 6, 1785, the Escribano, pursuant to the foregoing decree, went to Pedro Miraval's dwelling house to receive his declaration, and on arriving there administered oath, which was taken by God and the Cross, according to law, under charge of which he promised to speak the truth, and placing the note on manifest, which is entered on page 1,

Page 1 of this record is the promissory note which forms the basis of this suit. It is in French and reads: I will pay to the order of Mr. Toutant Beauregard the sum of 1,730 piastres within 72 days, for value received from the said gentleman, and for the payment of this note, I pray Mr. Claude Chabot to act as my security. New Orleans January 28, 1785. (Signed) P. Miraval. For 1,730 piastres.

In default of payment by Mr. Pierre Miraval, I agree to pay the sum mentioned in the above note. New Orleans, January 28, 1785. (Signed) Chabot.

Written across the back of this note: Received on account 423 piastres. (Signed) Beauregard.

he said the signature to it is his, and that he owes the amount stipulated therein. He answered that what he has declared is the truth, under charge of his oath, and that he is 40 years of age, and he signed, to which the Escribano attests. (Signed) P. Miraval; before Rafael Perdomo, Clerk of the Court.

Luis Toutant Beauregard petitions for a Writ of Execution.

The plaintiff states that the records of the case, together with the defendant's deposition, have been delivered to him, and whereas it may be noted from same that Mr. Miraval owes the amount demanded, therefore he prays for a writ of execution against any or all of his property, sufficient to cover the amount of the note. Governor Miro, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

In the city of New Orleans, on June 8, 1785, Esteban Miro, Colonel of the Fixed Regiment of this Place, and Governor ad interim here, having examined these records said: That he must order and does order issued a Writ of Execution in favor of Louis Toutant Beauregard against the person and estate of Pedro Miraval, for the sum of 1,307 pesos, that it is evident he owes him, its one-tenth and costs, caused or that may be caused up to the time real and effective payment is made, for this is his decree, thus he has provided and signed, on the advice of the Auditor, and to which the Escribano attests. Assessor's fees 12 reales. (Signed) Estevan Miro; Postigo; before Rafael Perdomo, Clerk of the Court.

Marginal Note.

A marginal note specifies that the Writ of Execution that was ordered has been issued and delivered to the party, to which the Escribano attests. (Signed) Perdomo.

Writ of Execution.

Let the Sheriff, or in his place the Deputy Sheriff, request Pedro Miraval to pay Luis Toutant Beauregard, immediately, the sum of 1,307 pesos, and if he does not pay the sum specified, its one-tenth and costs, take execution against his person and estate, making a formal sizure of them, and place them in charge of the General Receiver, as by decree rendered on the advice of the Auditor. Thus it is decreed. New Orleans, June 8, 1785. (Signed) Estevan Miro. By order of His Lordship. (Signed) Rafael Perdomo, Notary Public and Clerk of the Court.

The plaintiff petitions for a certification from the Escribano.

Luis Toutant Beauregard avers that it is convenient to him to have His Lordship order the Escribano to certify, in continuation of this representation, whether or not Pedro Miraval has presented himself in his office, and when this certification will have been made, to deliver it to the plaintiff, with this petition, and he will promptly pay all just and due fees. Alcalde Forstall, on Assessor Postigo's advice, rules: As it is prayed.



## Certification.

In compliance with the foregoing decree, I certify and attest that on the 22nd of the current month (Pedro Miraval) presented himself in the Court Room of Nicolas Forstall, Regidor perpetuo and Senior Alcalde Ordinario of this city and its jurisdiction for His Majesty, where he made a statement of his debts and existing property for the payment of them. His Honor called together the creditors he had named, and when they had examined his assets and liabilities they discussed making certain protests. New Orleans, June 27, 1785. (Signed) Fernando Rodriguez, Clerk of the Court.

The plaintiff petitions to have Mr. Chabot pay Mr. Miraval's note.

Luis Toutant Beauregard alleges that it is evident from Fernando Rodriguez' certification that Mr. Miraval is not in position to pay the sum declared, and considering that Claudio Sabo (Chabot) is the defendant's security in case he cannot pay, as may be proven from the note on page 1, therefore he prays the Court to order Mr. Sabo, under oath and in due form of law, subject to its penalties, and without delay, to declare whether the signature at the end of the second paragraph is his, and whether he has any knowledge of its contents, and done, deliver his deposition to the petitioner so that he may take the necessary legal action. Governor Miro, on Assessor Postigo's advice, receives this petition, and later decrees:

## Decree.

Whereas: Let Mr. Chabot swear and declare to the contents of the above petition, as requested, entrust the taking of his deposition to the Escribano, and done, deliver it to the Plaintiff.

Mr. Chabot's deposition.

In the city of New Orleans, on July 5, 1785, the Escribano, in compliance with the foregoing decree, went to Claudio Chabot's dwelling house to take the declaration he has been ordered to make, and having received his oath, which he made by God and the Cross, under charge of which he promised to speak the truth, and having shown him the note filed on page 1, he said the signature at the end of the second paragraph of the note is his, and as such he acknowledges it, and he answered that what he has declared is the truth, under charge of his oath, and that he is 50 years of age. (Signed) Chabot; before Fernando Rodriguez, Clerk of the Court.

The plaintiff petitions for a Writ of Execution against Mr. Chabot's property.

Luis Toutant Beauregard avers that it is evident from Mr. Chabot's declaration that the signature at the end of the second paragraph of the promissory note filed at the beginning of these proceedings is his, therefore he prays the Court to issue a Writ of Execution against all or any of Mr. Chabot's property for the full extent of the debt, its one-tenth and costs. Governor Miro, on Assessor Postigo's advice, orders this petition sent to Pedro Miraval.

The plaintiff again petitions for a Writ of Execution against Mr. Chabot's property. Luis Toutant Beauregard alleges that his foregoing representation was ordered sent to Pedro Miraval, although he had requested a Writ of Execution against Mr. Chabot, in consequence of his declaration made at the petitioner's instance, whereby he acknowledged his responsibility for Mr. Miraval's debt, in case he did not pay it himself, therefore he prays the Court to intercept the petition sent to the opposition and order a Writ of Execution issued against Mr. Chabot, as requested. Governor Miro, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

In the city of New Orleans, on July 13, 1785, Estevan Miro, Colonel of the Fixed Regiment of this Place and Governor ad interim here, having examined the records, said that he must order and did order a Writ of Execution issued against the person and estate of Claudio Chabot for the sum of 1,307 pesos, its one-tenth and costs, caused or that may be caused up to the full and effective payment. For this is his decree, thus he has ordered and signed. Fees gratis. (Signed) Esteban Miro; Licenciado Postigo; before Rafael Perdomo, Clerk of the Court.

Writ of Execution.

Let the Sheriff, or in his place the Deputy Sheriff, request Claudio Chabot to pay Luis Beauregard, immediately, the sum of 1,307 pesos, and if he does not pay the said sum, its one-tenth and costs, at once, take execution against his person and estate, making a formal seizure of same and place it in charge of the General Receiver, as by decree rendered this day, on the advice of the Auditor. Thus it is ordered. New Orleans, July 13, 1785. (Signed) Estevan Miro. By Order of His Lordship. (Signed) Rafael Perdomo, Clerk of the Court.

Report of the service of the Writ.

In the city of New Orleans, on July 15, 1785, before the Escribano and witnesses, appeared Nicolas Fromentin, Deputy Sheriff, and he said that in virtue of the Writ on the reverse side of this page, he requested Claudio Chavo (Chabot) to pay Luis Toutant (Beauregard) the sum noted, and not having done so at once, he seized three of his slaves, named Naneta, Salli and Eme, leaving the Writ open to make further seizures, to pay the debt at some future time, and this he asked the Escribano to set down as his answer, which he signed, and to which the Escribano attests. (Signed) N. Fromentin; before Rafael Perdomo, Clerk of the Court.

The plaintiff petitions for the sale of the three Negresses seized.

Luis Toutant Beauregard avers that execution having been taken, as ordered, against Mr. Chabot's property, and 72 hours having passed, wherein the right exists to oppose the Execution, and Mr. Chabot not having done so, may it please the Court to order the three Negresses that were seized

cried for public sale, as the law requires. Governor Miro, on Assessor Postigo's advice, rules: Let the slaves be cried as the law requires.

Louis Toutant Beauregard petitions for a taxation of costs.

requested, therefore he prays it may please the Court to decree that the costs be taxed and paid by the party who, in justice, owes them. Estevan Miro, on Juan del Postigo's advice, rules: Let the costs be taxed, and paid by Mr. Chabot.

The Plaintiff alleges that Mr. Chabot has arranged with him for the collection of the debt, as he

Notification, acceptance and oath.

On the said day, month and year (July 30, 1785), the Escribano personally notified Luis Lioteau of his appointment, and he said he accepted and did accept, and swore by God, Our Lord, and the Cross, according to law, to proceed well and faithfully with the taxation of the Costs he has been ordered to make, and he signed, to which the Escribano attests. (Signed) Luis Lioteau; before Rafael Perdomo, Clerk of the Court.

Taxation of costs.

On July 30, 1785, Luis Lioteau taxes costs at 59 pesos, 2 reales.

June 4.

### **Redhibitory Action.**

**Josef Laby (Labie)  
vs. Juan Henrique Cupris.**

No. 3061. 22 pp.

Court of Governor  
Estevan Miro.

Assessor,  
Juan del Postigo.

Escribano,  
Fernando Rodriguez.

This redhibitory action to compel the vendor of a slave to take back said slave and return the purchase price, on the grounds that the slave's qualifications had been misrepresented at the time of sale, illustrates the procedure in such actions. The Court ordered the vendor to take back the slave and return the purchase price, but the purchaser was required to pay the customary hire of said slave for the time the slave was in his possession.

Joseph Laby, Surgeon of the Fixed Regiment of this Place, by means of Pedro Bertonière, a Public Attorney, in the best form of law, petitions to say that it is convenient to him, so as to establish his demand, to have Juan Enrique Cupris (Cupris), under oath and without delay, to swear and declare whether he has sold the plaintiff a Negress, named Maria, together with her daughter, Lucia, the said Negress classed as a good cook, washer and ironer, and done, he prays the Court to order the defendant's deposition delivered to the petitioner, to use to enforce his rights. Governor Miro, on Assessor Postigo's advice, rules: Let the defendant swear and declare to the contents of the foregoing petition, as requested, and done, deliver his deposition to the plaintiff.



Juan Henrique Cupry's deposition.

In the city of New Orleans, on the said day, month and year (June 4, 1785), the Escribano, in virtue of the commission conferred upon him, received the defendant's oath, which he made by God and the Cross, according to law, under charge of which he promised to speak the truth, and when examined upon the tenor of the foregoing written petition, he said that it is not true that he sold the Negress as a good washer and ironer and cook, as mentioned by the plaintiff, and refers him to the written act of sale executed before the undersigned Escribano, and that this is the truth, under charge of his oath, and that he is 38 years of age, and he signed, to which the Escribano attests. (Signed) Coupry; before Fernando Rodriguez, Clerk of the Court.

The Notarial Act of Sale.

The next entry is a certified copy of a Notarial Act of sale which reads, in part: Know you to whom this letter comes that I, Juan Henrique C(o)upry sell to Josef Lavie, a Negress, my slave, named Maria, of the Hibo tribe, aged 25 years, with her daughter, Lucie, aged 5 years; they belong to me because I bought them in a cargo (of slaves), and I sell them as in good health and without blemish and free of liens and mortgages, as the present Escribano will certify, for the price of 800 pesos that I have received in cash, and which I acknowledge has been paid to me to my entire satisfaction, and because the Escribano was not present at the delivery, he renounces the exception of non numerata pecunia, and grants a formal receipt by means of which I withdraw and separate myself from all rights to ownership, possession, use and domination of the Negress and her daughter, having ceded and conveyed them to the purchaser to be his own property, to possess, sell, exchange, and alienate at his will, in virtue of this written document, granted in his favor, as a sign of real delivery, by which he acquires these slaves as his own property, without any other proofs, of which he is relieved, and I obligate myself for the security and safety of the sale, established in due form of law, my present and future estate, and I insert here the guaranty clause and renounce the laws in my favor, with the general that prohibits it, and I, Josef Lavie, being here present at the drawing up of this Act, accept it in my favor, because by it I have bought the Negress and her daughter, that I acknowledge to have received, and I draw up a formal receipt for both. In testimony whereof, done in the city of New Orleans on April 6, 1785. I, the Escribano, attest that I know the constituents, who signed with the witnesses, Josef Becat, Santiago Lemarie, Nicholas Fromentin, residents of this city, here present. (Signed) Coupry. This conforms to its original which remains in the registry of public written documents in my charge, and to which I refer, certifying that the

purchaser is not willing to sign because it is not specified in the said Act that the Negress is a good cook, washer and ironer. In testimony whereof, at his request, I give the present in New Orleans, on May 28, 1785. Cross and Flourish. In testimony of the Truth. (Signed) Fernando Rodriguez, Notary Public for the Cabildo and Government. Rights to taxation with the original.

Josef Labie petitions to have the Act of Sale declared null and void.

The plaintiff, by means of a Public Attorney, in the suit he has instituted to have Mr. Coupys declare under what conditions he proposed to sell the Negress, as well as what talents she possessed, etc., set forth that, as may be noted from the defendant's declaration, he has acted in bad faith in this matter, therefore the petitioner was not willing to legalize the act of sale for her, and had asked for proofs of her abilities, as it was not his intention to buy a slave without any training, when the vendor had offered her for sale as a good cook, washer and ironer. He prays the Court to declare the written act executed in this particular as null and void, and to cause the defendant to take back his slave and return him the 800 pesos which the certified copy, duly presented, shows the defendant has received, the full amount for the slave, and to condemn him to pay all costs. (Signed) Joseph Labie; Pedro Bertoniére.

Decree.

Governor Miro, on Assessor Postigo's advice, rules: The copy of the Act of Sale having been presented, send this petition to the defendant.

Certified copy of a General Power of Attorney.

The next entry is a certified copy of a General Procuration, dated June 20, 1785, by which Juan Henrique Coupry appoints Antonio Mendez his Attorney to represent him and his interests in general, and the lawsuit, in particular, that has been brought against him by Josef Labie.

The defendant answers asking to have the plaintiff put in perpetual silence.

Juan Bautista (Henrique) Coupry, by means of his Power of Attorney, duly presented in the best form of law, reserving to himself the right to use it when favorable in the proceedings brought against him by Josef Labie to return a Negress and her daughter, sold to him on June 7 of the present year for 800 pesos, according to the Act of Sale on page 3 of this suit, answering the petition sent to him, he avers that Dr. Labie's claim that the slave was sold to him as a superior cook, washer and ironer, is pure malice and untrue, and to prove this may it please His Lordship to examine the Act of Sale previously mentioned, wherein he will see the conditions under which the Negress and her daughter were sold, and consequently the duplicity of his procedure. He also says that as a precaution against the results that might follow, he was not

willing to sign the original Act of Sale. This is most patent malice and lacking in all honesty, as it is known that Dr. Labie only pretended, through fraud, to compromise a qualified Escribano, and that he would have complied and signed the act if he had been forced to do so, and not put the note, and thereby benefited by the services of the defendant's slave until completion of payment that he must make in accordance with the notes that he has in his possession, signed by the plaintiff, before the Act of sale was passed, and that he will exhibit them at the proper time, when His Lordship will see the injustice of his claim and the affront he offers the petitioner by accusing him of acting in bad faith, and he must know that another voice besides his cries out to this Tribunal for justice, so as to open its eyes to the knowledge of the fact that the reason he refused to sign the act of sale was to keep the Negress in his possession for two months and a half. Considering the above double malice of Dr. Labie and the merits of his own claim, he prays the Court to reject his opponent's pretensions, condemn him to perpetual silence, and to pay costs. Governor Miro, on Assessor Postigo's advice, orders this petition sent to the plaintiff.

Josef Labie answers, asking to have the Court consider his petition filed on page 6.

The Plaintiff alleges that Mr. Coupry's written petition, which has been sent to him, was made solely to justify his illegal procedure more authentically, and what he states therein is untrue, namely, that he sold the slave as set down in the conditions specified in the act of sale presented by the petitioner, as may be clearly proven, and is evident that it was pure fraud on the vendor's part not to mention any of the slave's capabilities therein, and it was upon this fact that he based his complaint to the present Escribano, as set down in the certification, and proves fully and sincerely the good faith with which he has acted towards his opponent, and why he was unwilling to authorize the written instrument, considering that the Negress' talents, that she was said to possess, were not incorporated in the act of sale by which he bought her, therefore he prays it may please His Lordship to determine as and in conformity to what he has requested in his petition on page 6. Governor Miro, on Assessor Postigo's advice, orders this petition sent to the defendant.

The defendant answers, asking to have the plaintiff leave funds to continue the case.

Juan Henrique Coupry sets forth that it has come to his knowledge that Dr. Lavie is absent from this city on official business, therefore he prays it may please the Court to order him to leave his attorney with sufficient funds to defray the expenses of the process, or in default of this to give bond for the security of the debt he owes for the slave, in accordance with the two notes he has made in the petitioner's favor, which are nearing the date of maturity. Governor Miro, on Assessor Postigo's advice, orders this petition sent to the plaintiff.



Joseph Labie answers, asking to have Mr. Coupry's request dismissed.

The Plaintiff, answering the petition sent to him, avers that Mr. Coupry offers very frivolous reasons therein, when he requests that the petitioner leave his attorney instructed and with enough funds to defray the expenses of this cause, or in default to give sufficient bond. Doubtlessly the defendant has not reflected that he is a man of means, and besides is employed in His Majesty's service, reasons that are more than adequate to disprove his claim and the negibility of it, in requesting that a man of wealth, such as he is, be called upon to give security, which is contrary to all laws and natural rights. Therefore, he prays the Court to dismiss his opponent's unfounded demand and condemn him to pay the costs of this incident, as the injudicious litigant. Governor Miro, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

In the city of New Orleans, on July 7, 1785, Esteban Miro, Colonel of the Fixed Regiment of this Place and Governor of the Province, having examined the records, said: He must declare and does declare the act passed between Juan Henrique Coupry and Josef Labie, before the present Escribano, of no value and effect, and orders Dr. Labie to deliver the Negress named Maria to Mr. Coupry, and the later must return to the former the obligations he holds in his favor, condemning the said Mr. Coupry to pay the costs of this suit. Assessor's fees 20 reales. (Signed) Esteban Miro; Licenciado Postigo.

Certification of the Judgment.

The foregoing sentence was given and pronounced by Esteban Miro, Colonel of the Fixed Regiment of this Place, Governor General of it and the Province, which he signed with his Assessor General, holding public audience. New Orleans, on July 7, 1785, the witnesses, residents of this city, here present, were Francisco Lioteau, Josef Becat, and Santiago Lemarie, before Fernando Rodriguez, Clerk of the Court.

Fernando Rodriguez petitions for the taxation of costs.

Fernando Rodriguez, Notary Public and Clerk of the Court, avers that a suit was prosecuted in His Lordship's Court, between Juan Henrique Coupry and Josef Labie, upon the redhibitory of a Negress, the definitive sentence was passed in the 7th of the current month, without either of the parties having appealed in legal terms, with Mr. Coupry having been condemned to pay costs caused or that may be caused, therefore he prays the Court to order Francisco (Luis) Lioteau to tax same. Esteban Miro, on Juan del Postigo's advice, rules: As it is prayed.

Notification, acceptance and oath.

On the said day, month and year (July 19, 1785), Luis Lioteau was personally notified, and he said he accepted and did accept,

and swore by God, Our Lord, and the Cross, according to law, etc., and he signed, to which the Escribano attests. (Luis Lioteau does not sign, and Rodriguez does.)

Settlement and receipt.

In the city of New Orleans, on July 19, 1785, before the Escribano and undersigned witnesses, appeared: Juan Henrique Couprie and Josef Labie, known to the Escribano, the latter having prosecuted a suit against the former, in the Governor General's Court, based on the Act of Sale passed by Couprie to Labie, before the present Escribano, on April 6 of this year, which Dr. Labie would not sign, because some of the conditions under which he had bought the Negress, Maria, aged 25 years, namely, that she was a washer, ironer and cook, were not included in the sale, and that, according to the records, the defendant was condemned, by sentence pronounced by the Governor General, on the advice of the Assessor General, dated July 7 last, to take back the Negress and her daughter, Lucia, sold by written instrument, and although it appears from this act that Mr. Couprie received the sum of 800 pesos in cash, this amount was to have been paid by two notes made out two hours after the said instrument was passed. The litigants have now agreed to comply with the Governor's sentence, and declare this suit as ended and cancelled, and that Dr. Labie will return the slaves to Mr. Couprie, together with 28 pesos, the slave's wages, and that the latter will give back to the former his two notes of 400 pesos each. The Escribano attests that the delivery was made in his presence, and that he would annotate this cancellation in the margin of the original and file a copy of this act with the records of the case, for thus it is executed and signed, the witnesses, here present, were Miguel Gomez, Francisco Lioteau and Santiago Lemarie. (Signed) Josef Labie; Couprie; before Fernando Rodriguez, Clerk of the Court.

This Act agrees with its original, executed before me, to which I refer, and on the request of the party, I give the present, dated as above. Cross and Flourish. (Signed) Fernando Rodriguez.

Taxation of costs.

pesos, 7 reales.

In New Orleans, on July 21, 1785,  
Luis Lioteau taxes costs at 22

June 10.

**Catalina Susana Bello  
vs. Antonio Peytavin.  
For the fulfillment of  
a promise of Marriage.  
(Breach of Promise suit.)**

No. 3004. 19 pp.

The first entry is a certified copy of a special Power of Attorney, dated June 8, 1785, which reads, in part: That I Catalina Susana Bello, daughter of Donato Bello, and authorized to this effect by my father, as is evident from the permit conceded to me before the present Escribano, dated the third of the current month, which I agree not to revoke, and by these

Court of Governor  
Esteban Miro.

Assessor,  
Juan del Postigo.

Escribano,  
Fernando Rodriguez.

This breach of promise suit, brought by the offended lady to compel her alleged suitor to proceed with the marriage ceremony, illustrates the procedure in such suits. It also contains some items of interest in the allegations of the two litigants. The lady plaintiff lost her suit and had to pay the costs of the litigation.

general administration, etc.

The Act by which Donato Bello authorizes his daughter to appoint Antonio Mendez her attorney, and consents to her marriage.

whereby Donato Bello, Sublieutenant of the Army at Opelousas, and a resident of this city, known to the Escribano, declares that he has given permission to his daughter, Catalina Susana Bello, acting for herself, or represented by her attorney, to present herself in the Court of the Governor General of this Province to force Antonio Peytavin to acknowledge the betrothal that has been celebrated between himself and Catalina Susana Bello, and to fulfill the promise of marriage made to her. Thus this act is executed and signed, the witnesses, residents of this city, here present, were Miguel Gomez, Josef Becat, and Santiago Lemarie. Signed in the original by Donato Bello, before Fernando Rodriguez, Notary Public.

The above act conforms to its original, which was executed before me and remains in my keeping and Archives, to which I refer, and upon the request of the party I give the present on the day of its date. Cross and Flourish. In testimony of the Truth. (Signed) Fernando Rodriguez, Notary Public for the Cabildo and Government.

The plaintiff petitions to have the defendant obtain the necessary permit for their marriage.

Catalina Susana Bello sets forth that, as appears from the instrument here attached, her father, Donato Bello, has given her permission to contract marriage with Antonio Peytavin, in fulfillment of the betrothal which has taken place between them, as free people, and whereas by several and repeated decrees of His Majesty for the celebration of marriage it is indispensable to obtain the paternal and maternal consent, and in their absence, of the nearest relative, or the Governor of the District, therefore may it please the Court that she, having

presents grant full, complete and sufficient power, as the law requires, to Antonio Mendez, Public Attorney of this city, so that in my name he may represent my person, rights and actions in the Governor General's Court, against Antonio Peytavin to force him to fulfill a promise of marriage made to me, and that later, according to his word, he would enter into a contract of marriage with me. This Procuracion is granted without limitation, with free, frank, and

The second entry is also a certified copy of a Notarial Act, dated June 3, 1785, before the undersigned Notary and witnesses,



presented her power of attorney, and her father's consent to her marriage, Antonio Peytavin be ordered to request a like permission from his older brother, who is in this city, and in default of this, that he state the causes upon which he bases refusal, so that she may use it to enforce her rights in justice, according to His Majesty's decree. Governor Miro, on Assessor Postigo's advice, orders this petition sent to Antonio Peytavin so that he may obtain the counsel and consent of his older brother.

The plaintiff asks to have the defendant answer her last petition. Catalina Susana Bello states that on the 11th of the current month her petition was sent to Mr. Peytavin, requesting him to obtain his older brother's consent to their marriage, or give the reasons why he refuses to marry her. And whereas up to the present he has not done so, therefore she prays the Court to order him to answer within two days, with a warning of what has place in law. Esteban Miro, on Juan del Postigo's advice, rules: Notify Antonio Peytavin that within two days he must obtain his older brother's consent (to his marriage), with a warning that if he does not obey he will be forced to do so in all rigor of justice.

Antonio Peytavin petitions to have the plaintiff put in perpetual silence. The Defendant, through his Attorney, in the proceeding instituted against him by Catalina Susana Bello, who maliciously claims that he has been betrothed to her, etc., answering her petition which has been sent to him, sets forth that he has never held intercourse nor communicated with the plaintiff at any time, and consequently not upon this particular that she has the boldness to have represented, for this reason there is no doubt, that she, without fear of God and respect for Royal Justice, wishes to annoy him, as her accusation is without cause, or foundation, therefore he prays the Court to dismiss her unfounded demand and condemn her to perpetual silence. Governor Miro, on Assessor Postigo's advice, rules: Let the decree of June 15 of the current year be complied with, and if the defendant does not obey, he will become liable to the disposition of the Royal Ordinance of April 7, 1778.

Antonio Peytavin denies his engagement. The defendant avers that he is exceedingly surprised at Miss Bello's pretention, and consequently much embarrassed in having to answer the imaginary claim she sets forth in her petition dated the 10th of the current month. All she relates therein is entirely false and outside of the proposition, when she says he has become engaged to her and requests him to obtain the counsel and consent of his older brother to celebrate their marriage. This seems contradictory, as effectively it is, as he will prove without the least doubt, that her claim is erroneous, lacks foundation and was brought to disturb and annoy him. He cannot imagine where she has obtained such a false charge as she has

brought against him, because he has never promised her such a thing, either in writing or verbally, so for this reason he does not have to ask the counsel or consent of his brother to contract marriage, as he has never cultivated her acquaintance, much less showed her the love and endearment she has for him. He is sure his brother has always opposed this marriage, in case the petitioner were of this opinion, considering that by it he would lose the advantages for his sons that the antiquity of their birth procures for them. Therefore, he prays to God, Our Lord, not to let him fall into such a forgetfulness of his person. Governor Miro, on Assessor Postigo's advice, orders this petition sent to the Plaintiff.

Catalina Susana Bello asks the enforcement of a Royal Ordinance.

The Plaintiff petitions to say that, pursuant to a Royal Ordinance, Mr. Peytavin, or his elder brother, must answer her request, granting his consent, or denying it, and in the latter case, giving the reasons for his opposition, within eight days. And whereas this time has elapsed, and neither Mr. Peytavin, nor his brother, has done anything except to ignore her just and rational claim, therefore may it please the Court to enforce the said Royal Ordinance, as decreed by His Lordship to fifteen days, which he allows before making the defendant liable to the disposition of the Royal Ordinance of April 7, 1778, declaring his refusal, or lack of attention to her demand, as unjust, so that by this means she can compel him to fulfill his word, and prove what he iniquitously denies and all else in conformity to law. Governor Miro, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

Whereas: Although no opposition has been made by Francisco De Prelong, older brother of Antonio Peytavin, to the demand made by Catalina Susana Bello, let it be declared that the said Francisco De Prelong Peytavin has no right, just and rational cause to speak against the marriage that the plaintiff wishes to contract with the said Antonio Peytavin. (Signed) Estevan Miro; Licenciado Postigo.

Antonio Peytavin petitions to have the Court revoke its last decree.

The defendant alleges that the Escribano has notified him of His Lordship's decree, by which it was declared that his older brother had no cause to speak against his marriage to Miss Bello, which she wishes to contract with him, and whereas the said decree is extremely prejudicial to him (speaking with due respect), he prays it may please His Lordship to revoke it, or amend it, as a contrary command, and order the records delivered to him to enforce his plea. Esteban Miro, on Juan del Postigo's advice, rules: The recourse that this party requests and claims is denied.

The plaintiff asks to have a copy of the Court's sentence filed with the records.

Catalina Susana sets forth that it is convenient to her right to have His Lordship order the Escribano place at the end of this petition a certified copy of the entire sentence pronounced in this suit. Governor Miro, on Assessor Postigo's advice, rules: As it is prayed, upon the payment of just and due fees.

Certified copy of the Decree.

Here is filed a certified copy of the decree rendered: Whereas, although no opposition has been made by Francisco De Prolong, older brother of Antonio Peytavin, to the demand made by Catalina Susana Bello, etc., and includes the certification to the Judgment and notifications, etc.

Fernando Rodriguez petitions for a taxation of costs.

Fernando Rodriguez, Notary Public and Clerk of the Court, states that Catarina Susana Bello has prosecuted a suit in His Lordship's Court, before him, as Clerk, against Antonio Peytavin to force him to acknowledge a promise of marriage, has been finished, therefore he prays the Court to order a taxation of costs of the case, to be paid by the party liable to same. Governor Miro, on Assessor Postigo's advice, rules: Let costs be taxed by Luis Lioteau and paid by Susana Bello.

Notification, acceptation and oath.

On the said day, month and year (August 2, 1785), Luis Lioteau was personally notified, and he said he accepted and did accept, and swore by God and the Cross, according to law, etc., and he signed, to which the Escribano attests. (Luis Lioteau does not sign.)

Taxation of costs.

On August 2, 1785, Luis Lioteau taxes costs at 17 pesos, 21½ reales.

June 14.

The first entry is the plaintiff's bill, written in French, which reads:

**Juan Bautista Macarty  
vs. Renata Beluche.**

Mr. Beluche owes J. B. Macarty:

No. 3079. 21 pp.

Sept. 10, 1784: For several parts for his mill, insured, the documents have been remitted by us to you. 969 P.

Courts of Alcaldes  
Nicolas Forstall and  
Josef Orué.

Save error. New Orleans June 6, 1785. (Signed) J. B. Macarty.

Assessor,  
Juan del Postigo.

Juan Bautista Macarty petitions to say that it is evident from the bill duly presented that Renato Beluche owes him 969 pesos at date of maturity, therefore he prays the

Escribano,  
Fernando Rodriguez.



**To collect a debt.**

This suit to collect a debt by executory process illustrates the procedure in such cases. The Court ordered the defendant's plantation seized and sold at public auction to satisfy the debt. When the first auction was held, no bids were offered and the case was continued. After a year had passed, a second auction of the plantation was ordered by the Court. The records here presented do not show that the plantation was ever sold; but after two years had elapsed, from the date of institution of the suit, the debtor appears to have been able to pay his debt without the sale of his plantation under Court order.

Court to order the defendant to acknowledge the debt and verify his signature, and done, deliver his deposition to the plaintiff to enforce his rights. Alcalde Forstall rules: Let the defendant acknowledge, swear and declare to the contents, as requested; entrust the taking of his deposition to the Escribano, and done, deliver it to the Plaintiff.

**Notification.**

On the said day, month and year (June 14, 1785), the Escribano, pursuant to the foregoing decree, enquired in various parts of the city for Renato Beluche and was told by many persons that he makes his home in the country, and in testimony whereof he sets this down as a matter of record. (Signed) Rodriguez.

**The plaintiff petitions for a Writ of Citation.**

Juan Bautista Macarty sets forth that, as it appears from the Escribano's report, he looked for the defendant and was unable to notify him of the foregoing decree, because he lives on his plantation, therefore he prays for a Writ of Citation, to be entrusted to any competent person for delivery. Alcalde Forstall rules: As it is prayed. Entrust the service of the Writ to any competent person.

**Writ of Citation.**

By decree rendered today by Nicholas Forstall, Senior Alcade of this city and it jurisdiction for His Majesty, it was ordered that any competent person notify Renato Belouche to appear in the Escribano's Office to be notified of a certain decree. New Orleans, June 15, 1785. (Signed) Fernando Rodriguez.

**The Deputy Sheriff reports the service of the Writ.**

In the city of New Orleans, on June 15, 1785, before me appeared Nicholas Fromentin, Deputy Sheriff, and he said he had notified Renato Beluche of the foregoing Writ, having gone to his plantation one league from the city. The Deputy Sheriff requested to have this set down as a matter of record, which he signed and to which the Escribano attests. (Signed) N. Fromentin; before Fernando Rodriguez, Clerk of the Court.

**Declaration.**

In the city of New Orleans, on June 16, 1785, the Escribano, in virtue of the commission conferred upon him, received Renato Beluche's oath, which he made by God, Our Lord, and a Cross, according to law, under charge of which he promised to speak

the truth, and when shown the bill filed on page 1, he said its contents was correct and true and that this is the truth, under charge of his oath, and that he is 40 years old. He signed, to which the Escribano attests. (Signed) René Beluche; before Fernando Rodriguez, Clerk of the Court.

The plaintiff petitions for a Writ of Execution.

Juan Bautista Macarty avers that it is evident from the defendant's declaration that he owes the sum of 969 pesos, and in virtue of the merits of execution that result in his favor, he prays the Court to order a Writ of Execution issued against any and all of the defendant's property, sufficient to satisfy the debt, its one-tenth and costs, and he swears by God and the Cross that this sum is due him and has not been paid. Alcalde Forstall, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

In the city of New Orleans, on July 4, 1785, Nicholas Forstall, Senior Alcade of this city and its jurisdiction for His Majesty, having examined these records, said: Issue a Writ of Execution in favor of Juan Bautista Macarty against Renato Beluche for the sum of 969 pesos that it is evident he owes, its one-tenth and costs, in the customary way. For this is his decree, thus he has ordered and signed, to which the Escribano attests. Fees 2 pesos. (Signed) N. Forstall; Licenciado Postigo.

Writ of Execution.

Let the Sheriff of this city, or in his place the Deputy Sheriff, request Renato Beluche to pay Juan Bautista Macarty the sum of 969 pesos which it is evident he owes, and if he does not pay at once, take execution against his person and estate sufficient to pay this sum, its one-tenth and costs, in the customary way. For this is his decree, thus he has ordered and signed. New Orleans, July 4, 1785. (Signed) N. Forstall. By Order of His Honor. (Signed) Fernando Rodriguez, Clerk of the Court.

Report of the service of the Writ.

In the city of New Orleans, on August 9, 1785, before the Escribano, appeared Nicolas Fromentin, Deputy Sheriff, and he declared that, in virtue of the Writ on the reverse side of this page, he requested Renato Beluche to pay Juan Bautista Macarty, immediately, the sum of 969 pesos, and as he did not pay, the Deputy Sheriff seized his plantation, situated two leagues from this city, upper river, and in testimony whereof he sets this down as a matter of Record, to which the Escribano attests. (Signed) N. Fromentin; before Fernando Rodriguez, Clerk of the Court.

The plaintiff petitions for the sale of the plantation that has been seized.

Juan Bautista Macarty states that the defendant's plantation, two leagues from the city, has been seized, therefore he prays the Court to order it cried for sale

according to the requirements of law, and this done, proceed with the sale. Nicholas Forstall, on Juan del Postigo's advice, rules: Let the sale be cried according to the requirements of law.

The First Public Call for the Sale. In the city of New Orleans, on the said day, month and year (October 15, 1785), the Escribano, standing in the doors of his Public Office, by the voice of the Town Crier, called the sale of Renato Beluche's plantation, two leagues from the city, upper river, and although many persons were present, no bids were offered, and in testimony whereof he sets this down as a matter of record, to which the Escribano attests.

Proceedings to notify the defendant of the sale. In the city of New Orleans, on the said day, month and year (October 15, 1785), the Escribano looked everywhere in the city for Renato Beluche to notify him of the foregoing decree, and he was informed that he makes his home on his plantation, in testimony whereof he sets this down as a matter of record, to which the Escribano attests. (Signed) Rodriguez.

Fernando Rodriguez petitions for a taxation of costs. Fernando Rodriguez, Escribano Publico del Numero of this city, petitions to say that Juan Bautista Macarty has prosecuted a suit against Renato Beluche in this Court to collect a debt, and as it is near the Christmas vacation he petitions the Court to order a taxation of the costs of the case up to the present time. Alcalde Forstall, on Assessor Postigo's advice, rules: Let the costs be taxed and paid by Renato Beluche, he reserving to himself the rights, etc.

Notification, acceptance and oath. On the said day (December 14, 1785), Luis Lioteau was notified, and he said that he accepted and did accept, and swore by God, Our Lord, and a Cross to proceed well and faithfully with the taxation that has been ordered, and he signed, to which the Escribano attests. (Luis Lioteau does not sign.)

Taxation of costs. On December 23, 1785, Luis Lioteau taxes costs at 15 pesos, 6 reales.

Marginal note. Because the debt has not been paid, the one-tenth that belongs to the Deputy Sheriff, in virtue of the seizure he has made, has not been included in this taxation. (Signed) L. L. (Luis Lioteau)

Certified copy of a procuration. The next entry is a certified copy of a Power of Attorney, dated January 10, 1786, by which Juan Bautista Macarty appoints Antonio Mendez, Procurador Publico del Numero, to act for him and in his name to represent his rights, to demand, receive and



collect the sum of 969 pesos from Renato Beluche, owed on a bill, past due, and to continue the proceedings already instituted against the Defendant.

Juan Bautista Macarty petitions to present his Procuration.

The Plaintiff alleges that, as the certified copy of the Procuration duly presented shows, he has appointed Antonio Mendez, Public Attorney, to act in his name and to represent his proper person, so that he may demand and collect from Renato Beluche the 969 pesos he owes, (which he prays the Court to accept). Alcalde Josef De Orué, on Assessor Postigo's advice, rules: The Power of Attorney having been presented, let it be included with the proceedings brought by this party against Renato Beluche.

The plaintiff prays for the Public Calls and Sale of the plantation.

Juan Bautista Macarty gives a resumé of what has been done in the suit he has brought to collect a debt, only a small part of which has yet been paid by the defendant, therefore he prays the Court to order the three official calls for the sale and the auction of the plantation already seized. Alcalde Orué, on Assessor Postigo's advice, rules: As it is prayed.

The Public Calls for the Sale.

The three public calls for the sale of Renato Beluche's plantation are made on September 14 and 23, and on October 2, 1786, respectively.

Fernando Rodriguez petitions for a taxation of costs.

Fernando Rodriguez, Clerk of the Court, petitions to say that Juan Bautista Macarty has prosecuted a case against Renato Beluche to collect a debt, therefore he prays the Court to order a taxation of costs.

Decree.

An unsigned decree, certified to have been rendered by Pedro Chaver, Alcalde of this city, reads: As it is prayed. (Let costs be taxed) by Luis Lioteau, after he has accepted and taken oath, the said costs to be paid by Renato Beluche.

Notification, acceptance and oath.

On the said day (May 6, 1787), Luis Lioteau, Public Taxer, was notified, and he said that he accepted and did accept, and swore by God and the Cross, according to law, etc., and he signed. (Lioteau does not sign.)

Taxation of the last costs.

On May 16, 1787, Luis Lioteau taxes cost at 9 pesos, 5½ reales.

June 22.

**Arnaldo Magnon vs. Elisabeth Roche, over the ownership of a slave.**

The first entry is a certified copy of a Power of Attorney, dated June 17, 1785, by which Arnaldo Magnon appoints Antonio Mendez, Procurador Publico del Numero of this city, to act in his name and to represent his proper person, rights

Court of Alcalde  
Nicolas Forstall.

Assessor,  
Juan del Postigo.

Escribano,  
Fernando Rodriguez.

and actions, and to receive from Pedro Aubry, as husband of Elisabet Roche, a Negro named Coco, aged 23 years, who was sold to the constituent by written Act executed before Leonardo Mazange on November 24, 1781.

This lengthy suit over the legal ownership of a slave presents some interesting items. The documents reveal that a widow had transferred a Negro slave to her brother-in-law by a fictitious sale, in order to prevent said slave from being seized by the creditors of the lady's deceased husband, as this slave was the only property left by the said deceased. The Negro remained in the possession of the widow until after she had contracted a second marriage. Then the lady's brother-in-law, who claimed to be the legal owner of the slave, brought suit to force the return of the slave to him. There is in the records much evidence of malice between the man who claimed ownership of the Negro and the lady's second husband. After a lengthy litigation, the Court held that the plaintiff had not proved his ownership of the slave; but the decision left the plaintiff free to prosecute his claim further, if he so desired. However, when the plaintiff did not press his claim by appealing the case within the time allowed by law, the Court declared the decree final and ordered a taxation of the costs of Court. This ends the record as given here.

Certified copy of the Act of Sale of the Negro.

The second entry is a certified copy of a Notarial Act of Sale, which reads in part: Know you to whom this letter comes, that I, Elisabet Roche, Widow of Jean Lafite, a resident of this city, in virtue of the permission authorizing me for this written instrument, conceded by Guido Dufossat, Senior Alcalde Ordinario of New Orleans, dated this day, and using it legally, in the best form that may have place in law, I, being certain and informed of what concerns me in my case, grant and for the present sell really and with effect to Arnaldo Mañon (Magnon) of this city, a Negro named Coco, aged 18 years, the same that belongs to me because I acquired him from my late husband, during the French Domination. I sell this slave to the aforementioned, as subject to servitude, healthy, without blemish and free of all liens and mortgages, as the Escribano will certify on examining the books in his keeping, for the price of 450 pesos that I have received in cash, which sum I acknowledge to have received, and because the delivery was not made at present, the exception of non numerata pecunia is renounced, and I grant a formal receipt by virtue of which I withdraw from rights to ownership, possession, use, and domination of the said Negro, to have and to hold, and I cede, renounce, and transfer to the purchaser, or whoever represents his cause or rights, so that he be-

comes his own to possess, sell, exchange, or alienate at his will, by this written instrument in his favor, as a sign of real delivery, by which he has acquired possession, without any other proof, of which I relieve him, and for the security of this sale I obligate my present and future estate, in due form of law, and I insert here the guaranty clause, and renounce the laws in my favor, with the general that prohibits it. And I, the aforementioned Arnaldo Magnon, being here present at the drawing up of this written instrument, accepting it in my favor, receive the said Negro, as purchased, for the sum of and in conformity to the sale, and I acknowledge to have received the slave, and draw up a formal receipt for same. In testimony whereof, this act is done in New Orleans on November 24, 1781. The Escribano attests that the constituents are known to him. Thus it is authorized and signed. The witnesses here present were Felipe Guinault, Luis Lioteau and Pedro Bertonière. (Signed in the original) Arnaud Magnon; Elizabet, Widow La Fitte.

This conforms to the original which remains in my keeping and Archives, to which I refer, and upon the request of the party I give the present on June 20, 1785. Cross and Flourish. In testimony of the truth. (Signed) Fernando Rodriguez, Notary Public. Rights to Taxation.

The plaintiff asks to have the defendant ordered to surrender a slave to him.

Arnaldo Magnon sets forth that, as may be proven from the certified copy of the Act of sale, here attached, by which he bought from his siter-in-law, Elisabet Roche, a Negro slave named Coco, for 450 pesos, which sum she has received, and whereas for ends of justice, he left the Negro in her possession so that he might serve her, as he looked upon her as a sister, but when she contracted a second marriage with Pedro Hubry (Aubry), the petitioner, finding that he needed the services of his slave, asked the defendant several times to return Coco, reminding her that he needed him, but to this she answered that the slave belongs to her and that she will not surrender him for any reason. This procedure is very prejudicial to him and does not conform to justice, therefore he prays it may please the Court to condemn Elisabet Roche and her husband to return the slave to him. Alcalde Forstall, on Assessor Postigo's advice, receives this petition, which they later decree must be sent to the defendant.

The Certified copy of the Power of Attorney appointing Bertonière Aubry's lawyer.

The next entry is a certified copy of a Procuration, dated July 13, 1785, by which Pedro Aubry names Pedro Vertoner (Bertonière), Procurador Publico del Numero of this city, so that, acting for him, he may represent his interests, particularly in the suit prosecuted against him, as husband of Elisabet Roche, Widow of Juan Lafite, by Arnaldo Magnon, over the ownership of Coco, a slave his wife sold while she was a widow.



Pedro Aubry petitions to have the Act of Sale declared null.

I, Pedro Aubry, as husband of Elisabet Roche, by my Power of attorney, duly presented in the suit maliciously brought against my wife by Arnaldo Maygnon (Magnon), claiming the ownership of a slave, in virtue of a written instrument confidentially granted by my said wife, that belongs to her, etc., answering the petition setting forth his pretensions, state that far from admitting justice on Magnon's part to my wife, I see nothing in it except a desire to disturb us, by being willing to avail himself of a document that has never been authorized, except as a consequence of the confidence she had in him because he was her brother-in-law, and also with the intention to save the slave, considering Mr. Lafitte's creditors. The plaintiff never delivered the sum to which he refers in his petition, notwithstanding it is so stated therein; she has never received this sum in cash, and Mr. Magnon must not avail himself of this clause, considering he has never delivered the money, which, in case of necessity, I shall prove. But given and not conceded, that it were true, as he has represented in his petition, I ask whether it is also from justice, on his part, that he has left my wife's slave with her up to the present time, without availing himself of the Act of Sale, when to the contrary before this it was he who was willing to pay his wages while she lived in her father's house, which proves clearly that Magnon never considered himself the slave's owner, and recognized him as Mrs. Aubry's property, as he effectively is, and always has been, as is generally and publicly known, in spite of the aforesaid document, which was nothing else than an act made in pure confidence for ends already stated, considering he was the sole property left by her first husband. But being willing to suppose that the written document Magnon has presented is true and certain, as he maliciously imagined, I question whether the possession that my wife has always had of her slave, and this without any interruption, is not sufficient to destroy the validity of the written document and prove the truth of what I have set forth. Besides, there is not any doubt that if Magnon had considered himself the owner of my wife's slave, he would never have consented to let her take him when she left his house, this being so, he made a great mistake, considering that Coco was the only cook he had, nor would he have granted time from January 28, the day we left, as may be verified, and has waited until today to claim the Negro, particularly as we are neighbors, living in the same city, and in that case see each other daily, which proves nothing more than the spirit of revenge on his part towards us, and this only to disturb us in the possession of what is lawfully ours. In merits of which, may it please Your Honor to declare the said written document as null and void, and condemn Magnon to return it to me, to grant the release of the slave, and also to pay all costs of these proceedings. Alcalde

Forstall, on Assessor Postigo's advice, rules to send this petition to the defendant.

The plaintiff answers, asking the Court to order his slave returned to him.

Arnaldo Magnon avers that what the defendant states in his petition is false and incredible, because the reason he let the Negro go when Elisabet Roche left his house to marry Pedro Aubry was merely an act of friendship born of their contracted relationship, and whereas each one must look to his own good before that of another, and this is legitimately his, without laying bare despicable causes that influence his demand, therefore he prays it may please the Court, on the merits of the certified copy he has presented, to order Elisabet Roche to deliver the Negro to him. Alcalde Forstall, on Assessor Postigo's advice, rules to send this petition to the defendant.

Pedro Aubry answers, asking a definitive sentence in his favor.

I, Pedro Aubry, answering in the name of my wife, state that all the plaintiff has set forth in his petition is absolutely contradictory and irrelevant. In his first demand he says it was for ends of justice he left the Negro in her possession so that he might serve her, as he looked upon her as a sister, but when she contracted a second marriage with Pedro Aubry, he, finding that he needed the services of his slave, asked the defendant several times to return Coco, reminding her that he needed him, but to this she answered that the slave belonged to her and that she will not surrender him. In his last petition he declares that the reason he let the Negro go (with Elisabet Roche) when she left his house (to marry Pedro Aubry) was merely an act of friendship born of their contracted relationship. How can these two statements be conciliated with his claim to ownership of the slave, if he, himself confesses that my wife has always had him, and also proves, by the abovesaid, that the written instrument for the sale of the slave, that had been executed, was nothing else than an act of pure confidence, which he claims today to be of value, to do us a bad turn, because it is not probable that Magnon, having requested my wife to deliver the slave to him and she refused, he let her leave his house taking Coco with her, as he says, if he had considered himself the owner, as he claims today? He would never have consented to this, and up to the present he has not availed himself of his right to reclaim him. All of the above may be proven without the least doubt and will show the illegitimacy of his pretensions and that he has no right in this affair. Therefore, in merits of which, may it please Your Honor to sentence definitively in conformity to and as I have requested in my first written petition. Alcalde Forstall, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

In the city of New Orleans, on  
July 28, 1785, Nicolas Forstall,  
Senior Alcalde of this city and its jurisdiction for His Majesty,

having examined these records, said: That he must receive and does receive this cause for proof within nine common days, and within this time both parties must allege and prove what is convenient, citing each other reciprocally, to examine, swear in, recognize witnesses, that one party presents against the other. For this is his decree, thus he has ordered and signed. Fees 3 pesos. (Signed) Nicolas Forstall; Licenciado Postigo.

Pedro Aubry petitions for an extension of time

On August 5, 1785, Pedro Aubry petitions to say that the suit prosecuted against his wife has been received for proof, and for the testimony that he must give he prays to be conceded ten days additional time. Alcalde Forstall, on Assessor Postigo's advice, rules: As it is prayed, common to both parties.

On August 13, 1785, he makes another request for ten days additional time. The Court rules as above.

On August 22, 1785, requests ten days additional time and the Court issues the same ruling.

On August 31, 1785, the defendant presents a like petition and receives the same decision.

The plaintiff petitions for a publication of the proofs.

On September 22, 1785, Arnaldo Magnon avers that this cause has been received for proof, and as the time in which testimony was to be received has passed, he prays the Court for a Publication of Proofs. Nicolas Forstall, on Juan del Postigo's advice, orders this petition sent to the defendant.

Pedro Aubry answers, agreeing to a publication of proofs.

On September 27, 1785, Pedro Aubry answers, stating that the time has expired for receiving proofs, therefore he prays the Court to order a publication of them, as requested by the plaintiff. Alcalde Forstall, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

In the city of New Orleans, on September 28, 1785, Nicolas Forstall, Senior Alcalde of this city and its jurisdiction for His Majesty, having examined the records, said: He must order and does order the Publication of the Proofs, as requested, and if either of the parties has not obeyed, let this fact be certified to, and done, let them be delivered to the Court by this decree so that the litigants may allege what is convenient. For this is his sentence, thus he has provided and signed. (Signed) Nicolas Forstall; Licenciado Postigo; before Fernando Rodriguez, Clerk of the Court.

Proofs of Arnaldo Magnon against Elisabet Roche.

On July 30, 1785, the plaintiff, in his first petition, alleges that this cause has been received for proof, within a term of nine days, common to both parties, and



for what is convenient to him he prays to reproduce the document presented on page 3 and the written petitions on pages 7 and 14, and everything else favorable to him. Alcalde Forstall, on Assessor Postigo's advice, rules: These records having been reproduced, let them be filed with his proofs.

Interrogatorio.

The Interrogatorio, by the tenor of which Elizabet Roche, wife of Pedro Aubry, must be examined in the suit prosecuted against her, to have her deliver a Negro belonging to him, that she has in her possession:

1st Q. Let her swear and declare whether it is not true and evident to her that Mr. Lafite, her first husband, now dead, owed him the sum of 600 pesos.

2nd Q. Whether it is not also true that her late husband, before he left this city for France, executed an obligation and mortgage in the plaintiff's favor, giving the Negro as security for this debt, and that the mortgage was for 400 pesos, only.

3rd Q. Is it not true that she, herself, after the death of her husband, told the plaintiff that, for the security of his interests, she would pass an act of sale for the Negro, if he would agree to receive him for 600 pesos that were due him?

4th Q. Is it not true that the plaintiff agreed to her proposition through friendship for her as a sister-in-law, and because the deceased had no other property except the Negro, and that he fitted the former out for his voyage, and for this reason the Act of sale was drawn up as she requested?

5th Q. Is it not also true that after she passed the Act of Sale, she told the plaintiff that her deceased husband's obligation would not be of any use to him, and that he should surrender it to her?

6th Q. Is it not true that, having given her the said obligation, she lost it?

New Orleans, August 13, 1786. (Signed) Antonio Mendez.

Arnaldo Magnon petitions to have the defendant answer the Interrogatorio.

The Plaintiff states that this cause has been received for proof, and for what he must give, may it please the Court to order Elisabet Roche, wife of Pedro Aubry, under oath, in due form of law, subject to its penalties, and without delay, to declare to the tenor of the Interrogatorio duly presented, her deposition to be filed with his proofs. Nicolas Forstall, on Juan del Postigo's advice, rules: As it is prayed; entrust the taking of the declaration to the Escribano.

Mrs. Aubry answers the Interrogatorio.

In the city of New Orleans, on the said day, month and year (August 8, 1785), Arnaldo Magnon, for the proofs required, requested a declaration from Elisabet Roche, and the Escribano,

in virtue of the commission conferred upon him, received her oath, which she made by God and a Sign of the Cross, under charge of which she promised to speak the truth, and when examined on the tenor of the foregoing Interrogatorio, she answered:

1st A. She knows nothing of its contents. The only thing she can say is that they had some sort of a partnership between them.

2nd A. She refers them to her first answer.

3rd A. This is false in its contents. The only thing in it that is true is the conversation between the witness and Mr. Magnon to sell the Negro, which was a simulated transaction to obviate all difficulty, considering she had no other funds for her support and to pay Lafite's creditors. There was also a conversation with Magnon, to the effect that he collect what he thought was due Lafite and himself, because of their partnership, for the hire of the Negro, and that for all of the above she was advised by Magnon and others of the family.

4th A. This is false in all its contents.

5th A. She said she did not remember whether he delivered the papers, or that she tore them up; it may be as Magnon questions, as there was a partnership, and when this was dissolved, it is natural that there would have been some papers and that he gave them to her.

6th A. To this question she says she refers them to the above.

This is the truth, under charge of her oath, and she is 26 years old; and she signed, to which the Escribano attests. (Signed) Elizabeth Roche; before Fernando Rodriguez, Clerk of the Court.

Mrs. Aubry's declaration.

I, the undersigned Elizabeth Lafitte, in the presence of my father, Henry Roche, and of Mr. Francois Broutin, Attorney, declare and acknowledge to have sold to Arnault Magnon, a Negro named Coco, aged about twenty-three years, for the price and sum of 400 piastres gourdes that he has paid me today, in cash, and in the presence of witnesses hereinafter named, to provide for my support and subsistence, and that of my son, during the absence of my husband. The said Mr. Magnon is in possession of this Negro. New Orleans, May 13, 1781. (Signed) Elizabeth Lafitte; Henry; Francois Broutin, witness.

Arnaldo Magnon petitions to have the foregoing declaration translated.

The plaintiff alleges that this cause has been received for proof, and for the part that is convenient to him he duly presents an act of sale in his favor by Elisabeth Roche, in the year 1781, and whereas this is written in French,

he prays the Court to order it translated into Spanish by Esteban De Quiñones, and done, file with his proofs. Alcalde Forstall, on Assessor Postigo's advice, rules: As it is prayed, after Mr. Quiñones is notified for his acceptance and oath.

Notification, acceptance and oath.

On the said day (August 9, 1785), the Escribano personally notified Esteban de Quiñones, who said that he accepted and did accept, and swore by God, Our Lord, and the Cross, to proceed well and faithfully with the translation he was ordered to make, and he signed, to which the Escribano attests. (Signed) Esteban De Quiñones; before Fernando Rodriguez, Clerk of the Court.

Translation.

This is followed by a Spanish translation of the foregoing declaration made by Mrs. Aubry, and ends Mr. Magnon's proofs.

Proofs of Elisabet Roche against Arnaldo Magnon.

Pedro Aubry, acting for his wife, sets forth that this cause has been received for proof, and for the part that he must give, he reproduces his petitions on pages 11 and 15, and everything else evident and reasonable in the process, and prays the Court to order them filed with his proofs. Alcalde Forstall, on Assessor Postigo's advice, rules: These documents having been reproduced, let them be filed with the defendant's proofs.

Interrogatorio.

Interrogatorio, by the tenor of which Nicolas Love must be examined in the suit that Arnaldo Magnon prosecutes against Elisabet Roche, wife of Pedro Aubry, claiming that she tender to him the ownership of a slave that had been sold to him by an Act confidentially passed.

1st Q. Is it not true that Arnaldo Magnon has never been recognized as the owner of the slave, although it is known that Mrs. Aubry had passed an act of sale transferring the Negro to him?

2nd Q. Has he not always heard it said by Henrique Roche, his father-in-law, and his late wife, his mother-in-law, that the act of sale passed by Mrs. Aubry to Arnaldo Magnon was confidential and was to avoid having the slave seized by the creditors of her first husband, Mr. Lafitte, for payment of his debts?

3rd Q. Let him also say whether he has ever heard talk upon the contents of the foregoing questions by any strange persons, and who were they. (Signed) Pedro Bertonnière.

Pedro Aubry petitions to have the foregoing questions answered.

The defendant avers that this cause has been received for proofs, and for the part that he must give, he prays the Court to order Nicolas Lauve, under oath, in due form of law, to declare to the tenor of the foregoing Interroga-



torio which he has presented, and done, deliver his declaration to him, to file with his proofs. Alcalde Forstall, on Assessor Postigo's advice, rules: As it is prayed.

Nicolas Lauve answers the Interrogatorio. In the city of New Orleans, on the said day, month and year (August 12, 1785), Pedro Aubry, for his proofs, presents, as a witness, Nicolas Lauve, of this city, from whom the Escribano, in virtue of the commission conferred upon him, received the oath, which he made by God, Our Lord, and a sign of the Cross, in conformity to law, under charge of which he promised to speak the truth, and when examined upon the foregoing Interrogatorio, he answered:

1st A. He said he had always known that the Negro in question was sold by a simulated act of sale by Elisabet Roche to Arnaldo Magnon, and that he, the witness, was the one who advised the said Elisabet Roche to draw up the written act, considering that Juan Lafite owed many debts in Cap Francais, and at his death the witness knows very well that the Negro was all he had.

2nd A. He answered that this is true in all its contents.

3rd A. He said that Mrs. Lioteau and her daughter, as well as the witness, knew it, considering they are all friends of the family, and that they had told him that it was a simulated sale. What he has answered is the truth, under charge of his oath, and he is 55 years of age; and he did not sign because he said he did not know how. To all of which the Escribano attests.

2nd Interrogatorio.

Interrogatorio, upon the tenor of which Henry Roche must be examined in the suit prosecuted by Arnaldo Magnon against Elisabet Roche, wife of Pedro Aubry, claiming to be declared the owner of a slave because of having been sold to him by act confidentially granted.

1st Q. Is it not true and evident to him that the sale by Mrs. Aubry to Mr. Magnon was confidential and was made with the intention to avoid seizure by the creditors of Mr. Lafitte, her first husband, in payment for his debts?

2nd Q. Is it not also true that his wife never received from the undersigned Magnon the amount specified in the aforesaid written Act?

3rd Q. Is it not also true that when the written Act was drawn up, there was a verbal condition, between the constituents, that the Negro's wages would be kept by Magnon, in payment for Lafitte's debts?

4th Q. Is it not true that Magnon has said at different times that he would keep the aforementioned Negro, and for this purpose he would have another learn the trade of a shoemaker, to deliver in his place to Mrs. Aubry? (Signed) Pedro Bertoniére.

Pedro Aubry petitions to have the foregoing Interrogatorio answered.

The defendant avers that this cause has been received for proof, and for the part that he must give, may it please the Court to order Enrique Roche, under oath, to declare to the tenor of the foregoing Interrogatorio, duly presented, and done, deliver his declaration to the petitioner to be filed with his proofs. Alcalde Forstall, on Assessor Postigo's advice, rules: The Interrogatorio having been presented, let Enrique Roche declare to its contents, as requested; entrust the taking of his declaration to the Escribano, and done, let it be filed with defendant's proofs.

The defendant again petitions to have Enrique Roche answer.

Pedro Aubry avers that this cause has been received for proof, and for his part he has presented an Interrogatorio, upon the tenor of which Henrique Roche must be examined; however, he has not been notified, because the Escribano has not been willing to do so. Therefore he prays the Court to order Mr. Roche to appear, and for this purpose, by any Minister of Justice. Nicolas Forstall, on Juan del Postigo's advice, rules: As it is prayed.

Henry Roche answers the Interrogatorio.

In the city of New Orleans, on the said day, month and year (August 17, 1785), the Escribano, in virtue of the commission conferred upon him, received Henrique Roche's oath, which he made by God, Our Lord, and a Sign of the Cross, in conformity to law, under charge of which he promised to speak the truth, and when examined upon the tenor of the foregoing Interrogatorio, he answered as follows:

1st A. He said he knows this to be true because it was made by Elisabet Roche, his daughter, and he was present when the Act was passed.

2nd A. He answered that he knows nothing of its contents.

3rd A. He knows nothing of its contents.

4th A. He had heard Hernaldo Magnon say that it was because of the great love that he had for Mrs. Lafitte's son that he had wished to have the Negro learn the trade of a shoemaker, to give him to her, but he cannot say when, and that is all he knows of the particular.

This is the truth, under charge of his oath, he is aged 63; and he signed, to which the Escribano attests. (Signed) Henry Roche; before Fernando Rodriguez, Clerk of the Court.

3rd Interrogatorio.

Interrogatorio, upon the tenor of Which Arnaldo Magnon must be examined in the suit he prosecuted against Elibabet Roche, asking to be declared the owner of a slave because of a sale confidentially made to sell him to the plaintiff:

1st Q. Is it not true that, by his own free will and with the intention of serving Mrs. Aubry, he proposed to her to draw up an act of sale for the slave, by this means to save him from seizure by the creditors of Mr. Lafitte, her first husband, who had left her no other property at his death?

2nd Q. Is it not true that he never delivered the sum of money that is mentioned in the document, although in it Mrs. Aubry acknowledges to have received it?

3rd Q. Is it not also true that he told different persons that he wished she would leave the slave with him, and that he would put another in his place who had learned the trade of a shoemaker?

4th Q. Let him say whether it is true that there was an agreement between Mr. Magnon and Mrs. Aubry when they drew up the Act of Sale, that the slave's wages would remain in his keeping to pay a debt due him by her late husband.

Pedro Aubry petitions to have the foregoing Interrogatorio answered.

The defendant says this cause has been received for proof, and for the part he must give, he prays the Court to order Mr. Magnon, under oath, to declare to the tenor of the Interrogatorio he has presented, and done, file his declaration with the defendant's proofs. Alcalde Forstall, on Assessor Postigo's advice, rules: The Interrogatorio having been presented, let the plaintiff swear and declare to its contents, as requested; entrust the taking of his deposition to the Escribano, and done, let it be filed with the defendant's proofs.

Arnaldo Magnon answers the Interrogatorio.

In the city of New Orleans, on the said day, month and year (August 18, 1785), the Escribano, in virtue of the commission conferred upon him, received Arnaldo Magnon's oath, which he made by God, Our Lord, and the Cross, in conformity to law, under charge of which he promised to speak the truth, and when examined upon the foregoing interrogatorio, he answered:

1st A. This is false in all its contents.

2nd A. He answered that he paid with a note for 600 pesos that Lafitte, Elisabet Roche's first husband, owed him and for which the Negro was mortgaged.

3rd A. He said it is true that just as soon as the Act of Sale for the Negro was passed, because of the great love and affection he had for Juan Lafitte, Isabel (Elisabeth) Roche's son, he told Henrique Roche, her father, that he would send a little Negro to learn the trade of a shoemaker so as to make good with him to the said Lafitte, when it would be the declarer's will.

4th A. He replied that this is false in all its contents. All the declarer said was that in case they would wish to take back



the Negro, they must return the 600 pesos with interest, in Mexican coin, and that the declarer would pay the hire of the Negro for the time he kept him, according to his capacity, and only for the period he had served him. This is the truth, under charge of his oath, and he is 43 years old; and he signed, to which the Escribano attests. (Signed) Arnaldo Magnon; before Fernando Rodriguez, Clerk of the Court.

4th Interrogatorio.

Interrogatorio, by the tenor of which Leonardo Mazange, late Escribano of this Province, must be examined in the suit Arnaldo Magnon prosecutes against Pedro Aubry, claiming the ownership of a negro slave by a written Act of Sale confidentially granted to him:

1st Q. Is it not true that he reproached the said Magnon, after the written act of sale for the Negro was passed: "Why did Mrs. Lafitte sell him, since he is the only property she has, left to her by the late Juan Lafitte, her husband?" The said Magnon answered this question, saying: "She has not sold him to me, and we have drawn up this formality to secrete him from her husband's creditors, so that they do not take him in payment for his debts, but he is always hers." (Signed) Bertonière.

Pedro Aubry petitions to have the foregoing Interrogatorio answered.

Pedro Aubry avers that this cause has been received for proof, and for the part that he must give, he prays the Court to order Leonardo Mazange, late Escribano of this Province, to swear and declare, according to the tenor of the Interrogatorio, duly presented, and file his declaration with the defendant's proofs. Alcalde Forstall, on Assessor Postigo's advice, rules: The Interrogatorio having been presented, let Leonardo Mazange swear and declare to its contents, as requested; entrust the taking of his declaration to the Escribano, and done, file it with the defendant's proofs.

Leonardo Mazange answers the foregoing Interrogatorio.

In the city of New Orleans, on the said day, month and year (August 19, 1785), the Escribano received Leonardo Mazange's oath, which he made by God, Our Lord, and a sign of the Cross, in conformity to law, under charge of which he promised to speak the truth, and when examined upon the tenor of the foregoing Interrogatorio, he answered as follows:

1st A. He said all of its contents is true, and that he, himself, was there at the time the act of sale was passed, and that after it was granted, Magnon stated that it was a simulated sale, made with the intention to secrete the Negro, the sole property the late Juan Lafitte left. This is the truth, under charge of his oath, and he is 43 years old; and he signed, to which the Escribano attests. (Signed) Leonardo Mazange; before Fernando Rodriguez, Clerk of the Court.

Pedro Aubry petitions for a copy of Magnon's declaration.

The defendant states that this cause has been received for proof, and for the part that he must give, may it please the Court to order the Escribano to place at the end of this petition a certified copy of Arnaldo Magnon's declaration, given in the suit he, Aubrey, brought to show that Juan Lafitte, Mrs. Aubry's first husband, did not leave any estate at the time of his death, and done, file it with his proofs. Nicolas Forstall, on Juan del Postigo's advice, rules: As it is prayed; and let the certified copy be filed with the defendant's proofs.

The certified copy of Magnon's declaration.

Immediately after, the said Juan Pedro Francisco Bruno Aubry (Aubry), for the testimony he has offered, and has been ordered to give, presented as a witness Arnaldo Magnon, resident of this city, from whom the Escribano, in virtue of the commission conferred upon him, received his oath, which he made by God, Our Lord, and a Sign of the Cross, in conformity to law, under charge of which he promised to speak the truth, and when examined upon the tenor of the foregoing written petition, he said that, considering the late Juan Lafitte, who is cited, was a particular friend, he knows that he had nothing, either movables or immovables, when he contracted marriage with Elisabet Roche, now the lawful wife of the one who presents him, as has been publicly and generally known, and that after his death the said Juan Lafitte left absolutely no property, which is also well known to all the residents of this city, who have known and traded with him. He answered that what he has declared is the truth, under charge of his oath, and that he is 40 years old; and he signed, to which the Escribano attests. (Signed in the original) Arnaldo Magnon; before Fernando Rodriguez, Notary Public.

This copy conforms to its original, to which I refer, and in testimony whereof, in obedience to a decree, I give the present on the request of the party. New Orleans, September 10, 1785. Cross and Flourish. In testimony of the truth. (Signed) Fernando Rodriguez, Notary Public for the Cabildo and Government.

Certification.

In fulfillment of the foregoing decree, I certify and attest that the parties have not given any more proofs than have been sewed in this file of records. New Orleans, September 28, 1785. (Signed) Fernando Rodriguez, Clerk of the Court.

Arnaldo Magnon alleges his cause as well proven.

The plaintiff sets forth that the records of the case have been given to him to allege as well proven, and reducing it to plain terms, may it please the Court to consider the merits of the process and the rights that assist him, to condemn Isabel Roche to surrender the Negro to him and pay costs caused or that may be caused, as it is from justice that he will say, as follows:

The entire contents of the process proves his ownership of the negro, Coco, not only from the authentic document on page 3, but also that on page 29, translated on page 31, from which it is evident that Isabel Roche's pretention is vague and does not agree with the document that derogates the circumstances of those that are proven in these records, as he has cited.

The declarations on page 35 and the reverse side of page 38: To the first, in answer to the deponent's question, the defendant says he knew the sale of the slave was simulated because he had counselled Isabel Roche to make it thus, so that the creditors would not take the slave, the only thing she had. This is a false supposition, since Isabel, remembering not only the services she had received from him but also those she expected because of her widowhood, came herself with the Act of Mortgage her late husband had made in his favor for a loan of 600 pesos, and proposed to him to make a formal sale of the Negro, taking the mortgage in payment for him. The second declaration contains nothing except that he heard the deponent say to Isabel that the sale was simulated, and there is no doubt that it has the appearance as such, but that was for the reasons given, and that Isabel states she would fulfill, or would be willing to carry out the obligation of a Christian. She should have spoken the truth in answering his questions on page 26, and when in doubt about the 5th question, she denied all the rest. But returning to the fundamental basis of this cause, since the aforementioned Isabel has not produced anything that would obscure the truth of his demand, may it please His Honor, when he has examined these records, to condemn Mrs. Aubry to what he has prayed in the beginning of this representation. Alcalde Forstall, on Assessor Postigo's advice, orders this sent to the defendant.

Pedro Aubry alleges his cause as well proven.

The defendant answers the plaintiff's argument, setting forth that in terms of strict justice, may it please the Court to exclude his opponent's unfounded claim and condemn him to perpetual silence and to pay all costs of this process, as he is the injudicious litigant according to the general result and as follows:

All that appears in these proceedings proves without the least doubt that the said Magnon has no foundation for availing himself of a document that has not been authorized, except confidentially, according to the declaration of Leonardo Mazange, late Notary Public, at the time the document was executed, as may be proven from his deposition on page 45 and is further corroborated by those on pages 35 and 38, that also make it evident that the sale was nothing except an act of pure confidence by which Mrs. Aubry settled with him, not thinking that he, in the relationship of brother-in-law, would wish to profit by such a document, at any time, and to deprive her, as well as her son, of their sole property left to them by Juan Lafitte, her first husband, under the feigned pretext that she wished to save him, as he has proven.



Then, not only are the said declarations in his favor, but also the one given on page 43, which, notwithstanding its denial, acknowledges the truth of what has been stated, when, to the third question of the Interrogatorio, he says it is true in all its contents, and adds other words, naturally thinking to speak in his own favor, he is convicted and shows that he has made a false declaration, because it is not likely that Magnon, under pretext, as he said, to make good to Mrs. Aubry's son, would have given him a negro shoemaker, when he had not paid out any money. He, Aubry, has proven that Magnon wished to appropriate the sole property that remained at the death of his father. He hopes this passage will make evident to the Court that, in view of the conjectures, he has shown very little generosity to his aforecited nephew.

May it then please His Honor to recall Magnon's contradictions to all the contents of this process, and that the Court will immediately recognize the bad faith with which he has acted, when in the instrument of sale he presented on page 3, he said I have received 450 pesos in cash, without considering what was presented on page 29, as a part of his proofs, namely, the private sale made before the one already quoted, in which he states I have not paid more than 400; this, as he says, was to help Mrs. Aubry and her son to subsist, an absurdity on his part, because it is publicly and generally known that Mrs. Aubry has always lived with her father and at his expense until the day she married. Then how does he reconcile these abovesaid erroneous statements so that they can benefit him, if he says first one thing and then another, which clearly shows his iniquity in proceeding with little reflection?

And finally, what greater conviction upon the transaction than he, himself, gives in the second and third questions of his Interrogatorio, whereby he asks Mrs. Aubry, everything contrary to the contents of the said sale, maliciously wishing to surprise her, asking whether it is not true that her deceased husband drew up an obligation for 600 pesos as a mortgage on the slave, and that she paid him with it? This is a much greater falsehood than all the rest he has set forth, considering what is evident from the certified declaration on the reverse side of page 46, wherein it is shown that the aforementioned, without fear of God, Our Lord, committed perjury when he declared Mrs. Aubry's deceased husband had not left any property at his death, and then he presents an act of sale whereby he acknowledges it was for a Negro that belonged to Mrs. Aubry's husband, that he tries unjustly to appropriate. Considering all this and the justice that assists him, he prays it may please the Court to sentence definitively and in conformity to what he has requested at the beginning of this written petition. Alcalde Forstall, on Assessor Postigo's advice, rules to send this to the plaintiff.

Arnaldo Magnon petitions for the definitive sentence.

The plaintiff avers that he refers to all that he has set forth in his petition to allege as well proven, and the act of sale on page 3, therefore he prays the Court to sentence definitively in his favor, as his claim is just. Nicolas Forstall, on Juan del Postigo's advice, orders this petition sent to the defendant.

Pedro Aubry answers, asking for the definitive sentence.

The defendant, answering the petition sent to him, prays for the definitive sentence because of the legitimate reasons that he has given in his petition to allege as well proven. Alcalde Forstall, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

Whereas: Cite the parties for the definitive sentence. (Signed) Nicolas Forstall; Licenciado Postigo.

Definitive sentence.

In the lawsuit between the parties, Arnaldo Magnon, resident of this city, and his Attorney, Pedro Bertoniére, for one part, and Antonio Mendez, as attorney in the name of and acting for Pedro Aubry, husband of Elisabet Roche, for the other, for the restitution of a Negro:

Whereas: Attentive to the records and merits of the process, to which I refer when necessary, I must declare and do declare that Arnaldo Magnon, plaintiff, has not proven well and completely his action and demand, as it should be suitably done, and I declare it as non proven, and that Pedro Aubry, the defendant, has justified his pleas in defense, as he should, therefore I declare them as well proven, and in consequence I must acquit him, and free him, as I do from the demand against him in this suit, reserving to the said Magnon his right, without injury, so that he may take action against, and demand from the said Aubry when convenient to him, condemning the said Magnon to pay the costs of this process, for this is my sentence definitively judged, thus it is pronounced, ordered and signed. Fees 5 pesos. Received. (Signed) Nicolas Forstall; Licenciado Postigo.

The foregoing sentence was given and pronounced by Nicolas Forstall, Senior Alcalde of this city and its jurisdiction for His Majesty, which he signed while holding public audience. New Orleans, Novermer 9, 1785. The witnesses here present were Francisco Loiteau, Josef Becat and Santiago Lemarie, residents of this city.

Pedro Aubry petitions for the taxation of costs.

The defendant avers that, notwithstanding that the plaintiff has been notified of the sentence given and pronounced in this suit, on the 9th of the current month, he has not made an appeal, therefore he prays the Court to declare the sentence as consented to and passed with the authority of a thing adjudged, and order a taxation of the costs. Alcalde For-

stall, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

In the city of New Orleans, on the sixteenth day of the month of November of the year one thousand seven hundred and eighty-five, Nicolas Forstall, Senior Alcalde of this city for His Majesty, having examined these records, said that he must declare and does declare the sentence pronounced in this said suit, on the ninth of the present month, as consented to and passed with the authority of a thing adjudged, and as such let it be put into execution, and a taxation of costs be drawn up by the public taxer. For this is his sentence, thus he has ordered and signed. (Signed) Nicolas Forstall; Licenciado Postigo.

Notification, acceptance and oath.

On the said day (November 16, 1785), the Escribano personally notified Luis Lioteau of the foregoing decree, and he said he accepted and did accept, and swore by God and a Cross, according to law, to proceed well and faithfully with the duties of his charge, and he signed, to which the Escribano attests. (Unsigned.)

Taxation of costs.

On November 16, 1785, Luis Lioteau taxes costs at 63 pesos,

6½ reales.

June 25.

**Criminal Prosecution of a free Negro named Felipe.**

No. 3035. 5 pp.

Court of Alcalde  
Nicolas Forstall.

Assessor, not named.

Escribano, not named.

For having escaped from prison and committed robbery.

This unfinished proceeding against a free Negro accused of theft is of interest only for the detailed explanation given by the accused of his activities.

In the city of New Orleans, on June 25, 1785, Nicholas Forstall, Senior Alcalde of the city and its jurisdiction for His Majesty, said that now, at about 7 o'clock in the morning, it has been reported to him that the Negro, Felipe, a prisoner here, has escaped, hidden himself in the city, committed robbery, plundered and greatly annoyed the people, therefore he orders and does order any Minister of Justice to arrest and place him in the public prison of this city, making it evident by a certification of the Warden of the Prison that he holds him a prisoner in his keeping, then proceed to receive his declaration, and also that of all, or any, persons that may be cited to testify, and done, deliver the testimony to the Court for the necessary decree, for thus His Honor has ordered and signed, to

which the Escribano attests. (Unsigned.)



The Deputy Sheriff reports the arrest.

In the city of New Orleans, on the said day, month and year (June 25, 1785), before the Escribano, appeared Nicolas Fromentin, Deputy Sheriff, and he said that, in virtue of the foregoing decree, he placed the free Negro, Felipe, in the Public Prison, of this city, and in testimony whereof he asks to have this set down as a matter of record, and he signed, to which the Escribano attests. (Unsigned.)

Certification of the Warden of the prison.

Immediately after, the Escribano went to the Public Prison, and upon arriving there notified Francisco Sanchez, Warden of the Prison, of the decree that begins this process, who said that he had the free Negro, Felipe, in his keeping, to which the Escribano attests. (Unsigned.)

The prisoner's declaration.

In the city of New Orleans, on June 25, 1785, Nicolas Forstall, Senior Alcade of this city and its jurisdiction for His Majesty, went to the Royal Prison, where he caused to appear before him a man, a prisoner there, from whom His Honor, before the Escribano, received the oath, which he made by God and the Cross, under charge of which he promised to speak the truth, and he was questioned as follows:

What is his name, where was he born, where does he live, what is his state, and trade? He answered: His name is Felipe, he is a Creole (negro), a resident of La Fourche, a bachelor, and a woodchopper by trade.

Who arrested him, and for what cause? He was taken a prisoner by order of His Honor, because he had been a prisoner and had escaped, was a fugitive, and had taken Mr. Pellerin's pirogue and gone to Atakapas, and was living there. He applied to Mr. Mouter for work, and was engaged to herd his cattle up to La Fourche. While there he lived in Mr. Chauvin's house, for three weeks, working occasionally with his Negroes. He left there and came to Meteria (Metairie), then he came to the city, by the Bayou, where he met Modesta, Mr. Morales' slave; later he came to the house of Margarita Vous, a free Negress, where he lived several days, and gave her a chest to guard, which contained three treasury notes of ten pesos each and three of 2½ pesos, which amounted in all to 37 (37½ pesos?), in the presence of the aforementioned Modesta, and after that he went behind Mr. Maxent's plantation, until nightfall, when he went to the city and was at Mr. Crousat's house, somewhat drunk, and then lay down under the steps of the said house, near the door of Modesta's room, she being a griffe slave belonging to Mr. Morales, where he slept, and during the night the mulattress (griffe?) stole the key of the little chest, and in the morning he got up and went to Margarita's house, who told him that Modesta had come on the declarer's orders with the key of the little chest, to look for 20 pesos, and that she gave them to her, and to prove this they went

to the griffe's house, and the latter said in his presence that he had given her the key so she could receive the money, considering that he had slept with her, and that this is not true. The declarer, in the presence of many persons, took a bundle of clothes to hold in his possession until she returned the 20 pesos, and he placed the clothes in the house of a free Negress, named Luisa, who lives at the Port of the Bayou, at which place they will now be found. Luisa counted the clothes and put them in a corner of her trunk. He then went out behind Mr. Maxent's plantation where he had been before, and at nightfall came to the city, where he hid himself in a house that is being built in front of Widow Esco's place, belonging to Mr. Chavre, and that the Warden of this Prison, with Mr. Nicolas Fromentin, Deputy Sheriff, made him a prisoner. This is the truth, under charge of his oath, and he is aged (space left for his age); and he did not sign because he does not know how to write. His Honor signed, to which the Escribano attests. This entry is also unsigned, and the record ends here.

June 27.

**Executory Process.**

**Juan Paillet vs.**

**Juan Lavadi (Livaudais).**

No. 85. 8 pp.

Court of Alcalde  
Nicolas Forstall.

Assessor,  
Juan del Postigo.

Escribano,  
Rafael Perdomo.

To collect a debt.

This simple suit to collect a debt which the debtor acknowledged owing, contains nothing of special interest. The debt was apparently paid and the matter settled out of Court.

The plaintiff petitions to have the defendant acknowledge his debt.

Page 1 is a note which stipulates that in virtue of the settlement made between the litigants of this cause, in conformity to the written petition on page 8, I have delivered to Juan Lavadie (Livaudais?) the two notes that were entered on this page and the following, which he acknowledges to have received and grants a formal receipt, that he did not sign because he said he did not know how to write. The witnesses, here present, were Cayetana Valdez and Francisco Carzes. New Orleans, July 29, 1785. (Signed) Perdomo.

Juan Paillet sets forth that, as may be proven from the bill and note here attached, Juan Lavadies owes him 298 pesos, which up to the present he has not paid, notwithstanding repeated reminders to this effect, therefore he prays the Court to order the defendant, under oath, according to law, subject to its penalties, and without delay, to acknowledge and

verify his signature and the endorsement made in favor of Francisco Mairone (Mayronne), and to state whether he owes the sum specified in the bill and note, and done, deliver his declaration to the plaintiff to be used to enforce his rights. Alcalde Forstall, on Assessor Postigo's advice, rules: The note and bill having been presented, let the defendant swear and declare to the contents, as requested; entrust the taking of the deposition to the Escribano, and done, deliver it to the petitioner.

The defendant's declaration.

In the city of New Orleans, on July 4, 1785, the Escribano went to Juan Lavadie's house to receive the declaration he has been ordered to make, from whom he received the oath, taken by God and the Cross, according to law, under charge of which he promised to speak the truth, and upon showing him the two notes, he said the signature is his and the one he is accustomed to make and that it is true he owes the amount demanded. This is the truth, under charge of his oath, and he is 26 years of age. He did not sign because he said he does not know how to write, to which the Escribano attests. (Signed) Fernando Rodriguez, Clerk of the Court.

The plaintiff petition for a Writ of Execution.

Juan Paillet avers that the records of the case, together with the defendant's declaration given at his instance, have been delivered to him, and considering that they prove his demand to be just, he prays the Court to order a Writ of Execution issued against the person and estate of the aforesaid, sufficient to cover the debt. Alcalde Forstall, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

In the city of New Orleans, on July 8, 1785, Nicolas Forstall, Senior Alcade of this city and its jurisdiction for His Majesty, having examined these records, said that he must order and does order a Writ of Execution issued against the person and estate of Juan Lavady for the sum of 298 pesos, its one-tenth and costs, caused or that may be caused up to the full and effective payment. For this is his decree, thus he has ordered and signed. Fees 2 pesos. Received. (Signed) N. Forstall; Licenciado Postigo; before Rafael Perdomo, Clerk of the Court.

The Writ of Execution.

Let the Sheriff, or in his place the Deputy Sheriff, request Juan Lavadie to pay Juan Paillet, immediately, the sum of 296 pesos, and if he does not pay the said sum at once, together with its one-tenth and costs, take execution against his person and estate, making a formal seizure of it, and done, place it in charge of the General Receiver, as by decree rendered this day, on the advice of the Auditor of War. Thus it is ordered. New Orleans, July 8, 1785. (Signed) N. Forstall. By Order of His Honor. (Signed) Rafael Perdomo.



Report of the service of the Writ.

In the city of New Orleans, on July 21, 1785, before me, the present Escribano, appeared Nicolas Fromentin, Deputy Sheriff, and he said that, in virtue of the Writ of Execution, he requested Juan Lavadi to pay Juan Paillet the sum that it is evident he owes, and the defendant having told me, the Escribano, that the debt had been paid and that he had come to an agreement with the Plaintiff, these proceedings were suspended, which he signed. (Signed) N. Fromentin; before Rafael Perdomo, Clerk of the Court.

The defendant pays his debt.

On July 27, 1785, Juan Paillet, in the executory proceedings he prosecutes against Juan Lavadie, states that, considering the latter has paid the amount demanded, may it please the Court to order a taxation of the costs of the Court, to be paid by Mr. Lavadie. Alcalde Forstall, on Assessor Postigo's advice, rules: As it is prayed.

[Translator's Note:—The record ends here. It is evident that the remainder of the proceedings have become detached, and mislaid, since according to the entry on page 1, the two notes were returned to the defendant, on July 29, 1785.—L. L. P.]

June 30.

**Juan B. Macarty  
vs. Luis Mari.**

Court of Alcalde  
Nicolas Forstall.

Assessor,  
Juan del Postigo.

Escribano,  
Fernando Rodriguez.

To collect a debt.

Note: From this place, that contained page 1, I have removed the note presented in this suit. New Orleans, August 4, 1785. To which I attest. (Signed) Rodriguez.

Juan Bautista Macarty states that it is evident, from the note duly presented, that Luis Mari owes Messrs. Lousado & Aguilar of Jamaica, on a note dated January 1, 1785, which matured on May 1st, and that the original has been sent to the petitioner for the collection of the sum of 54,286 livres, 6 sols, money of Santo Domingo, therefore he prays the Court to order the defendant to acknowledge the debt and verify the signature, and done, deliver his deposition to the plaintiff to be used to enforce his rights. Alcalde Forstall, on Assessor Postigo's advice, rules: The note having been presented, let the defendant swear

This suit to collect a debt, evidenced by a note which the debtor claimed had already been paid, apparently arose out of the fact that the note had been drawn in duplicate, the original transactions having been made between a resident of New Orleans and a commercial firm of Santo Domingo. After an agent of the firm in New Orleans brought the suit to collect the debt, the defendant presented his evidence and the Court decided that the obligation had already been paid. This decision, however, did not satisfy the plain-

tiff; but the records here presented do not reveal any further action taken in the matter.

and declare to its contents, as requested; entrust the taking of his deposition to the Escribano, and done, deliver his declaration to the plaintiff.

Luis Mari's declaration.

In the city of New Orleans, on July 6, 1785, the Escribano, in virtue of the commission conferred upon him, received Luis Mary's oath, which he made by God, Our Lord, and a Cross, according to law, under charge of which he promised to speak the truth, and when shown the note presented on page 1, he said that the signature at the end of it is his, and that it is true in all its contents, but that it has been paid in the same money, namely, that of Santo Domingo, France, and that the note was made in duplicate. This is the truth, under charge of his oath, and he is 30 years of age. He signed, to which the Escribano attests.

When this note was contracted, it was with Mr. Londo of Kingston, Jamacia, and with no other person, and it has been paid to the order of same in Santo Domingo, in the same kind of money as contracted, dated as above. (Signed) Louis Mary; before Fernando Rodriguez, Clerk of the Court.

Juan B. Macarty petitions for a Writ of Execution.

The Plaintiff states that from the defendant's declaration it is evident his debt is lawful; therefore he prays for a Writ of Execution, against his person, and all or any of his property, sufficient to pay this sum, its one-tenth and costs, and he swears by God, Our Lord, and a Cross, that this sum is due and has never been paid. Alcalde Forstall, on Assessor Postigo's advice, receives this petition, and later decrees:

Decree.

In the city of New Orleans, on July 11, 1785, Nicolas Forstall, Alcalde Ordinario of this city and its jurisdiction, having examined these records, said that he must declare and does declare the Writ of Execution that Juan Bautista Macarty requests, as without place, and he acquits Luis Mari from the demand against him in this lawsuit. For this is his decree, thus he has ordered and signed. (Signed) Nicolas Forstall; Licenciado Postigo.

The plaintiff petitions to have the decree amended.

Juan B. Macarty alleges that he has been notified of a decree rendered on July 11, by which it has pleased His Honor to declare his claim against Mr. Mary as without place, and whereas this decree is very prejudicial to him (speaking with due respect), therefore he prays that it be amended and a decree rendered to the contrary, giving his claim place in law, and also that the records of the case be delivered to him to enforce his demand. Alcalde Forstall, on Assessor Postigo's advice, rules: Petition denied, considering the time has passed.

Marginal note.

Specifies that a copy was drawn up on demand and delivered to this party, to which the Escribano attests. (Signed) Rodriguez.

The plaintiff petitions to have the note returned to him.

Juan Bautista Macarty avers that he has been condemned and Mr. Mary acquitted, as his demand was declared without place, therefore he prays the Court to order the note he presented returned to him and a copy of these proceedings sent to the legitimate and interested party, so that he may promote what is convenient. Alcalde Forstall, on Assessor Postigo's advice, rules: As it is prayed.

The record ends here.

(To be continued.)



